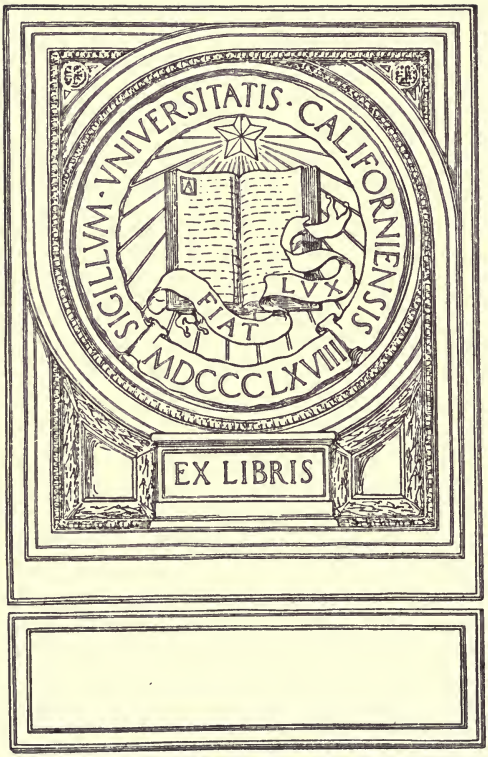
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Vermont.

# RECORDS

OF THE

# COUNCIL OF SAFETY

AND

# GOVERNOR AND COUNCIL

OF THE

# STATE OF VERMONT,

TO WHICH ARE PREFIXED THE RECORDS OF THE

## GENERAL CONVENTIONS

FROM JULY 1775 TO DECEMBER 1777.

VOLUME I.

EDITED AND PUBLISHED BY AUTHORITY OF THE STATE
BY E. P. WALTON.

MONTPELIER:
STEAM PRESS OF J. & J. M. POLAND.
1873.

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UNIV. OF
CALIFORNIA

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## AN ACT PROVIDING FOR THE PRINTING OF THE JOURNALS OF THE COUNCIL OF SAFETY AND OF THE GOVERNOR AND COUNCIL.

SEC. 1. The governor of the state is hereby authorized to appoint some suitable person or persons, and to contract with him or them to edit and publish the journals of the council of safety and the early journals of the governor and council to such extent as the governor shall judge necessary to preserve the history of the state.

SEC. 2. Such person or persons so appointed are also authorized to publish, in the form of an appendix to such records, any cotemporary public documents that may be necessary to explain such records.

SEC. 3. Such records shall not be printed faster than one volume of convenient size each year.

SEC. 4. There shall be printed one thousand copies of each volume of said publication, and two hundred copies be given to the Vermont Historical Society, two hundred copies to the state library, and six hundred shall be deposited with the state librarian for sale on such terms as the governor shall prescribe.

SEC. 5. The expenses and accounts for editing and printing said records shall be approved by the governor before they shall be audited by the state auditor.

Approved, November 15, A. D. 1872.

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## COMMISSION.

UNDER and by virtue of the authority of the Act of the General Assembly of the State of Vermont, approved November 15th, A. D. 1872, I hereby appoint and empower the Hon. E. P. WALTON of Montpelier, in said State of Vermont, to prepare and publish two volumes of convenient size, (octavo,) and in good style, of the Journals of the Council of Safety and of the Governor and Council of this State, with such additional matter as may be deemed necessary and proper by notes and appendix; and I do hereby commend him to the favor of all National and State authorities, Historical Societies and Librarians, and gentlemen having materials useful for the proposed work, assuring them that the courtesy rendered to him as the agent of the State will be deemed a courtesy to the State.

L. S. Given under my hand and the seal of the State, at Woodstock, this thirteenth day of January, A. D. 1873.

JULIUS CONVERSE.

By the Governor:

J. D. DENISON,

*Secretary of Civil and Military Affairs.*

# ACKNOWLEDGMENTS AND EXPLANATIONS.

*To His Excellency*, JULIUS CONVERSE:

IN issuing the first volume of the records of the Council of Safety and Governor and Council of Vermont, justice to others requires me first to acknowledge your own zeal in aiding the work by giving me ample powers and prompt responses to my requests for advice; and next to acknowledge the valuable materials gleaned from the labors of others in the field of Vermont history; to wit: to Hon. HILAND HALL, for suggestions and criticisms, and for the aid derived from his *Early History of Vermont;* to B. H. HALL, author of the *History of Eastern Vermont;* to Miss ABBY MARIA HEMENWAY, for very numerous items of personal history in the *Vermont Historical Magazine;* to the *Histories of Vermont*, &c., by IRA ALLEN, Dr. JOHN A. GRAHAM, Dr. SAMUEL WILLIAMS, and Rev. ZADOCK THOMPSON; to Dr. JEREMY BELKNAP'S *History of New Hampshire;* to Hon. WILLIAM SLADE'S *State Papers;* to the *Documentary History of New York;* to the two volumes of *Collections* of the VERMONT HISTORICAL SOCIETY; to Hon. DANIEL CHIPMAN'S *Memoir of Governor Thomas Chittenden*, &c.; to Hon. WM. M. PINGRY, of Perkinsville, for the *Pingry Papers;* to Hon. JAMES H. PHELPS, of West Townshend, for new and valuable additions to the record of the General Conventions, &c.; to HENRY S. DANA, Esq., of Woodstock, for papers contributed, and for criticisms; to Hon. SAMUEL SWIFT, for the *History of Addison County;* and to the town histories of *Bennington* by Rev. ISAAC JENNINGS, *Fair Haven* by ANDREW N. ADAMS, *Pittsford* by Dr. A. M. CAVERLY, *Salisbury* by JOHN M. WEEKS, and *Shoreham*, by Rev. JOSIAH F. GOODHUE. Many other town histories, contained in Miss HEMENWAY'S *Historical Magazine*, have been used and are cited in the notes.

Special acknowledgments are due to Hon. DAVID READ of Burlington, and Hon. LUCIUS E. CHITTENDEN of New York city, for their labors in securing the portrait of Gov. *Thomas Chittenden;* and to Hon. ROSWELL MARSH of Steubenville, Ohio, for the portrait of Lieut. Gov. *Joseph Marsh.*

And finally it is due to the people of Vermont that I should declare, that no portraits of *Chittenden* and *Marsh* were ever painted in their lifetime, and that the engraved portraits in this volume have been *constructed* from descriptions of the person, dress, and character of these

noble Vermonters by gentlemen who knew them, and from the portraits of such descendants as were known most closely to resemble their distinguished progenitors. The portraits used for the engraving of Gov. *Thomas Chittenden* were those of THOMAS and ELI CHITTENDEN, sons of Noah, and grandsons of Gov. Thomas Chittenden. These, with personal descriptions by Gov. MARTIN CHITTENDEN and others, were committed to the charge of Hon. LUCIUS E. CHITTENDEN, and the drawing and engraving have been done under his inspection by an artist of the highest reputation, H. B. HALL, of Morrisania, N. Y. The portraits used in constructing the engraved portrait of Lieut. Gov. *Joseph Marsh* were those of the late CHARLES, of Woodstock, brother of Hon. GEORGE P. MARSH, and of the Hon. ROSWELL MARSH of Steubenville, Ohio. The description used of Lt. Gov. Joseph Marsh's person, dress, and character, were by Hon. ROSWELL MARSH. The important question is as to the value of these engravings *as portraits.* As to the *Chittenden* it is to be observed, first, that the Chittenden race is so strongly and peculiarly marked that the form of person and head, and some of the features of the face, are recognized even in very distant connections—as, for one instance, in the late Senator CRITTENDEN of Kentucky, who was of the Chittenden race, and so strongly resembled them that the Hon. Lucius E. Chittenden once mistook the Senator for his father. I knew the Senator well, and also recognized his strong resemblance to the father of Lucius. But again, it is remarkable that the peculiarity of a defect in one of Gov. Thomas Chittenden's eyes is distinctly marked by a cast in one eye of each of his descendants whose portraits have been used. Finally, writing as to the value of the Chittenden as *a portrait*, Hon. Lucius E. Chittenden declared that "*it is perfectly satisfactory.*" The autograph was selected from several in the state archives, as the best written in his last years. As to the value of the engraved portrait of Lieut. Gov. *Marsh*, no person living, other than Hon. ROSWELL MARSH, is competent to give an opinion. He was the grandson of the Lieutenant Governor, lived with him until he was eighteen years of age, and still remembers well his person and character. A copy of the drawing by H. B. HALL was transmitted to Hon. ROSWELL MARSH for criticism, and he replied as follows :

STEUBENVILLE, [Ohio,] July 23, 1873.

Hon. E. P. WALTON :

*Dear Sir*,—Your favor of the 18th covering a photograph from a constructed portrait of my revered ancestor came to hand yesterday. I had formed erroneous anticipations in one respect : I expected to see a face with the lines of age such as memory painted him. That would have been out of place and time.* Had his portrait been painted by a

*The editor regarded the portrait of Charles, brother of George P., as being taken when he was too young, and of Roswell as being taken when he was too old, to represent Lieut. Governor Joseph, and therefore advised the artist to attempt to strike a medium as to the features of age.

skillful artist at fifty, I can well believe the difference between that and this would be little more than the fading which time makes upon a fresh painting. You invite me to criticise. I know of but one man living except myself who knew him [Lieut. Gov. Marsh] familiarly—LEVI DEMMON, a neighbor, now ninety-four years of age. He is, I am told, a second child, does not know his house nor children. I am no critic, and dare not touch it. My advice is, *let well enough alone.* I agree with you. The light of intelligence and benevolence shines in every feature and is truly appropriate. An earnest Christian without bigotry, he was just the man to rebuke his brother deacon, a cold-blooded Puritan, for absurd inconsistency because while declaiming violently against the wickedness of young people going to dancing-school, he diligently kept time with his foot to a three-stringed fiddle worked by an old negro in the kitchen for the amusement of the children.

I am very respectfully,

ROSWELL MARSH.

The autograph of Lieut. Gov. Marsh, selected for the engraver, was from a carefully written petition dated in 1778, the year in which he became lieutenant governor.

I have hoped to give in this volume, prefixed to the "Vindication," an engraving from what purports to be a portrait of ETHAN ALLEN, by John Trumbull. It has been deemed best, however, to await the result of an investigation, undertaken by Hon. Lucius E. Chittenden, as to the verity of this portrait.

I now submit the first volume with a request that the work may be thoroughly criticised, and that I may be notified of any error, either in my own work or in that of others copied in the volume, to the end that the early history of the State may be made as accurate and complete as it is possible to make it.

I am respectfully your Excellency's and the State's

Obedient Servant,

E. P. WALTON.

Montpelier, Sept. 1, 1873.

# GENERAL CONVENTIONS

IN THE

# NEW HAMPSHIRE GRANTS,

FOR THE

INDEPENDENCE, ORGANIZATION, AND DEFENSE

OF THE

# STATE OF VERMONT.

JULY 1775—DECEMBER 1777.

# GENERAL CONVENTIONS

FROM

## JULY 26, 1775, TO DEC. 24, 1777.

---

FROM the first settlement and organization of the towns in the New Hampshire Grants, each had by its charter the right of self-government in March meeting, by the election of town officers and ordering town affairs. This power was vested in "the inhabitants" by the New Hampshire charters.[1] When, in June 1770, the New York court repudiated these charters, and the towns west of the Green Mountains had resolved "to support their rights and property under the New Hampshire grants, against the usurpation and unjust claims of the governor and council of New York, *by force*, as law and justice were denied them," these towns appointed Town Committees of Safety, "whose business it was to attend to their defense and security against the New York claimants. These Committees afterwards met, from time to time as occasion seemed to demand, in general convention to consult upon and adopt measures for their common protection."[2] But to meet new exigencies of the people—for bearing their part in the war of the revolution, defending their frontiers, raising and officering troops, and also for prosecuting their claims to independence in Congress by correspondence and agents—GENERAL CONVENTIONS of a still higher grade were constituted, the first of which met on the 16th of January, 1776.[3] This was called by a "warrant," issued Dec. 10, 1775, by a committee apparently appointed for the pur-

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[1] Zadock Thompson's *Vermont*, part I, p. 224.

[2] Hiland Hall, in *Vermont Historical Society Collections*, vol. I, pp. 4, 5. Town Committees of Safety were appointed in Cumberland and Gloucester [Windham, Windsor, and Orange] counties in 1774 and 1775, and these, when met together in each county, constituted the County Committee of Safety.—See *Appendix* A.

[3] The first convention, whose record is inserted in this volume, consisted of "*Town Committees*," and not of *delegates* specially and formally elected by the towns.

pose, (when and by what authority does not appear,) which warned the inhabitants on the New Hampshire grants "to meet together *by their Delegates from each town*," at the time and place and for the several purposes specifically named. In June, 1776, the inhabitants on the west side of the Green Mountains were again "warned" in like manner, and those on the east side, within the nominal jurisdiction of New York, were "desired," to "meet by their several delegates in General Convention;" and from that period the eastern towns began to appear by delegates. In January 1777, a Convention assumed jurisdiction of the whole territory, and declared it to be "a separate, free and independent jurisdiction or state." These Conventions were formally warned, either by a committee appointed for the purpose, or by a resolution of a preceding Convention, or sat on their own adjournments; the delegates were appointed by the inhabitants of the several towns; and the resolves made in Convention were executed by committees or agents thereto appointed. This simple machinery stood instead of a formally constituted state government, and performed all the offices of such an one as far as was necessary and practicable. One body exercised whatever of supreme legislative and executive power the occasion demanded; but that body was elected by the people, expressed their will, and was responsible to them. These Conventions established the State, ruled it for a brief period, and gave to it in due time a constitution. For these things their records deserve to stand as the first chapter in the governmental history of the state.

March 14–16, 1775, the power of the royal Provincial Congress of New York was thoroughly broken in eastern Vermont, by the arrest of its judicial officers at Westminster. April 11, 1775, a General Convention of committees on the east side of the Green Mountains denounced the Westminster massacre of March 13, and voted to renounce and resist the administration of the government of New York, till they could appeal "to the royal wisdom and clemency, and till such time as his Majesty shall settle this controversy."[1] This was the last expression of loyalty to the king by any representative body in the state. The news of the collision at Lexington fired the hearts of a majority of the people, and on the 10th of May the first heavy blows upon British military power in America were struck by Allen and Warner at Ticonderoga and Crown Point. In consideration of these services, the Continental Congress voted, June 23, 1775, to pay "the men who had been employed in the taking and garrisoning of Crown Point and Ticonderoga;" and "recommended to the Convention of New York that they, consulting with Gen. Schuyler, employ in the army to be raised for the defense of America, those called Green Mountain Boys, under such officers as the said Green Mountain Boys shall choose." A copy of these resolutions was given to Allen and Warner. With these, and an official letter from

[1] See *Appendix*, A., No. 1.

the President of Congress, John Hancock, to the Convention of New York, they repaired to that body. On the 4th of July, Allen and Warner were admitted to the Convention, and that body ordered, that in consequence of a recommendation from the Continental Congress, "an independent body" of troops not exceeding five hundred men, officers included, be forthwith raised, of those called *Green Mountain Boys;* that they elect all their own officers; that Maj. Gen. Schuyler[1] be requested to forward this order," &c.[2] From this action sprang the General Convention which the editor regards as the first in the record of the government of the State of Vermont. It was indeed a Convention of Town Committees, with the approval of the only government which New York then had, but it will be observed that it ignored the authority of New York, and expressly declared that its action was "in compliance with the orders of Congress," as well as the recommendation of an officer commissioned by Congress. It assumed to be independent of all other states, and its function was that of the other states, giving to the continental army such a contribution as was then most needed from every state—an efficient military force, which was at once employed in an attack upon Canada.

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[1] Of the continental army, then recently appointed by Congress.

[2] Hiland Hall's *Early History of Vermont*, pp. 208–212; *E. Allen's Mss.*, pp. 151–157.

# CONVENTION AT DORSET,

## JULY 26, 1775.

[From the Vermont Historical Society Collections, Vol. I.]

At a meeting of the committees of the several townships on the New Hampshire Grants, west of the range of the Green Mountains, convened at the House of Mr. Cephas Kent, innholder, in the township of Dorset, July 26, 1775, voted as follows, viz. :

1st. Chose Mr. Nathan Clark Chairman.

2d. Chose John Fassett Clerk.

3d. The motion being made and seconded whether the convention shall prosecute [ proceed] in choosing Field and other Officers, according to the Provincial Congress and Gen. Schuyler's directions, passed in the affirmative.

Then proceeded as follows :

4th. Chose Mr. Seth Warner Lieutenant Colonel for the regiment of Green Mountain Boys by a majority of forty-one to five.

5th. Chose Mr. Samuel Safford Major for said regiment by a majority of twenty-eight to seventeen.

Then proceeded and chose seven Captains and fourteen Lieutenants, by a great majority, viz. :

| *Captains.* | *First Lieutenants.* | *Second Lieutenants.* |
|---|---|---|
| [1.] Weight[Wait]Hopkins, | John Fassett, [Jr.] | John Noble, |
| [2.] Oliver Potter, | Ebenezer Allen, | James Claghorn, |
| [3.] John Grant, | Barnabas Barnum, | John Chipman, |
| [4.] William Fitch, | David Galusha, | Nathan Smith, |
| [5.] Gideon Brownson, | Jellis Blakeley, | Philo Hard, |
| [6.] Micah Vail, | Ira Allen, | Jesse Sawyer, |
| [7.] Heman Allen, | Gideon Warren, | Joshua Stanton. |

NATHAN CLARK, *Chairman.*[1]

---

[1]Ethan Allen was a self-nominated candidate against Warner, and was greatly mortified by his defeat. He charged it to "the old farmers," who did " not incline to go to war ;" claimed that he was a favorite with officers in the army and with the young Green Mountain Boys, and relied upon the Continental Congress to give him a commission. Allen was then in his fortieth year, Warner in his thirty-third ; the selection of the younger of the two heroes was remarkable.—See *Early History*, pp. 212, 213. Lt. Col. Warner and Major Safford were citizens of Bennington,

A copy of the above was sent to Gen. Schuyler with a letter as follows :

---

and were each promoted one grade in the continental regiment of 1776. The officers of the first company were also Bennington men. Wait Hopkins afterward became Major, and John Fassett, jr., a prominent man in the state government.

The second company was probably from Poultney and Tinmouth. Ebenezer Allen resided in Poultney at the time of his appointment, but removed soon after to Tinmouth, which he represented in several Conventions, beginning in January, 1776. Ebenezer and Ethan Allen's families were descendants of two brothers, Matthew and Samuel, who came to New England in 1632.—See *Vt. Hist. Mag.*, vol. I, p. 607. Ebenezer was Major of the Rangers and a brave and successful officer.—See *Early History*, p. 452. Feb. 17, 1777, Tinmouth "voted *not* to raise money towards Seth Warner's regiment." Having furnished a portion of the men for continental service, it is presumed the town was of opinion that Congress should pay them. Lieut. Claghorn will be found hereinafter as Lt. Col. of Vermont militia.

The third company was probably from Addison, Monkton, Middlebury, and the vicinity. Lieut. Barnum was the first settler of Monkton, and was killed in defending the block-house at Shelburne, March 12, 1778.—See *Vt. Hist. Mag.*, vol. I, pp. 65, 860, 878. John Chipman cleared the first land in Middlebury. He was in active military service for most of the time from the spring of 1775 till he was taken prisoner at Fort George in Oct. 1780. He took part in the capture of Fort Ticonderoga, was at the taking of St. Johns and Montreal, and in the battles of Hubbardton, Bennington, and Saratoga. Chipman was "discharged at Montreal," and was in 1776 again commissioned in Capt. Smith's company, Warner's regiment. He died in Middlebury in Aug. 1829.—See *Vt. Hist. Mag.*, vol. I, pp. 50–51, and Deming's *Catalogue*, 1851, p. 110. There are several references to "Capt. Grant," "Lt. Grant," and "Maj. Grant," but these are not identified as *John* Grant. One Captain declined service ; possibly it was Grant.

The fourth company was probably from Pawlet and Shaftsbury. Capt. Fitch represented Pawlet in most of the Conventions. David Galusha was of Shaftsbury. Nathan Smith was probably of Bridport until 1784, when he settled in Shoreham.—See Swift's *Addison County*, p. 87; and *Vt. Hist. Mag.*, vol. I, p. 94. He was Captain in 1777, and appointed Major of the 5th regiment May 28, 1778. It is stated that "Major Nathan Smith" and Benjamin Vaughan first scaled the enemy's breast-work in Bennington battle; but this was some months before he received the title of "Major."—See Goodhue's *Shoreham*, p. 23.

The fifth company was probably from Sunderland and vicinity. Capt. Brownson of Sunderland served through the war, having been promoted to the rank of Major in the continental service, and afterward General in

May it Please Your Honor :—In compliance with the orders of Congress, as well as your recommendation, I enclose the proceedings of

---

the Vermont Militia. J. A. Graham said : Gen. Brownson "was a violent politician in the late war ; and that as a proof of his valiant conduct, he now [1797] carries in his body eighteen pieces of lead, which he received during that fatal contest."—*Graham's Letters*, p. 47. No notice can be found of Lieut. Blakeley. Lieut. Philo Hard, [probably of Arlington,] seems to have joined the enemy.—See order of the Governor and Council, March, 1778. Gen. Ebenezer Walbridge, of Bennington, was a Lieut. in Brownson's company in March, 1776, Adj't in the battle of Bennington, afterwards Col. of militia in service, and Brigadier General.—See *Vt. Hist. Mag.*, vol. I, p. 172 ; and *Early History*, p. 473.

The sixth company seems, from the then residence of the officers, to have been of Danby, Arlington, and Colchester. Capt. Vail represented Danby in several of the Conventions. Of Lieut. Ira Allen's eminent services to the state notice is not needed. Feb. 10, 1778, Jesse Sawyer was appointed Captain in Maj. Benj. Wait's regiment, intended for an expedition to Canada under Gen. Lafayette. May 28 of the same year he was ordered by the Gov. and Council to search for inimical persons in towns north of Arlington.

The seventh company probably consisted in part of men from the northern towns near Onion [Winooski] river, and part from Sunderland and vicinity. It is difficult to locate the residence of Capt. Heman Allen. He was a brother of Ethan, born in Cornwall, Conn., Oct. 15, 1740, died May 18, 1778, of disease contracted in Bennington battle. He was a member of the Convention of Jan. 16, 1776, and was its agent to present its petition to Congress ; a delegate for Middleborough [Middlebury] in the Convention of July 24, 1776 ; a member at large with Col. Seth Warner in the Convention of Sept. 25, 1776 ; a delegate for Rutland in the Convention of Jan. 15, 1777, and for Colchester in the Convention of June 4, 1777. He served with Warner in the Canada expedition of 1775, and in July 1777 was appointed a member of the State Council of Safety.—Ira Allen's *Vermont* in *Vermont Historical Society Collections*, vol. I, p. 369, 388 ; *Ethan Allen Mss.*, close of the index. Lieut. Gideon Warren resided in Sunderland, and was Captain in command of the men who guarded the frontier, Feb. 7, 1778. May 28, 1778, he was appointed Colonel of the 5th regiment of Vermont militia. It appears from a vote of the Gov. and Council of April 30, 1779, that Col. Warren was wounded in the service, and received from Vermont one hundred and twenty pounds, advanced on his claim upon the continental treasury for the allowance made by Congress to wounded officers. Joshua Stanton resided in Colchester, and he is noticed as a prominent and useful man.—See the history of Colchester, in the *Vt. Historical Magazine*, vol. I, pp. 761–763.

our committee meeting on the New Hampshire Grants, upon due notice

---

On the 5th of July previous to the Convention, Ethan Allen proposed to the Provincial Congress of New York the following list of officers for the regiment of Green Mountain Boys :

Ethan Allen, } *Field Officers.*
Seth Warner, }

| *Captains.* | *Lieutenants.* |
|---|---|
| Remember Baker, | Ira Allen, |
| Robert Cochran, | John Grant, |
| Michael Veal, [Micah Vail,] | Ebenezer Allen, |
| Peleg Sutherling, [Sunderland,] | David Ives, |
| Gideon Warren, | ——— ———, |
| Wait Hopkins, | Jesse Sawyer. |
| Heman Allen. | |

Levi Allen, *Adjutant;* Elijah Babcock, *Commissary ;* Jonas Fay, *Doctor & Surgeon.*—See *Ethan Allen Mss.*, p. 157 ; *Collection of Historical Mss.* relating to the war of the revolution, in the office of the Secretary of State, New York, published at Albany in 1868, vol. I, p. 109. This was a bitter dose for New York, as Ethan Allen, Seth Warner, Remember Baker, Robert Cochran, and Peleg Sunderland were all declared guilty of felony and sentenced to death by the act of New York of March 9, 1774.—See Slade's *Vermont State Papers*, pp. 42–54. Most of the persons in Allen's list were appointed. Of the others, Baker was killed previous to the Convention, otherwise he would probably have been a favorite. Ethan Allen received from Congress, 14th May, 1778, a brevet commission as Lieutenant Colonel, " in reward of his fortitude, firmness and zeal in the cause of his country;" Cochran joined Elmore's Connecticut regiment in 1775, and the 3d battalion of N. Y. in the continental army in 1776, rendered brave service as captain, major, and lieutenant colonel, and died at Sandy Hill, New York, July 3, 1812, and was buried at Fort Edward, N. Y., near the grave of Jane McRea, who was murdered by Burgoyne's Indians in 1777. Levi Allen served in the Canada campaign of 1775, but in 1779 he was denounced by Ethan Allen to the Court of Confiscation in Bennington County as being " of Torey principles," and his property was confiscated.—See *Vt. Hist. Mag.*, vol. I, pp. 571–574; *Slade's State Papers*, 563. " Capt. Peleg Sunderland " appears in the legislative records. He was " a mighty hunter " of both wild beasts and tories, and a man of considerable acquirements. Dr. Fay did serve for a time in Warner's regiment.—See biographical notices in *Early History of Vermont.*

In this connection it should be stated that Ethan Allen's disappointment did not abate one whit of his zeal for his country. He joined Gen. Schuyler in the capacity of an officer, but without a commission, and succeeded in raising a body of two hundred and fifty Canadians,

to the towns in general—all which is humbly submitted to your wisdom, not doubting but the warrants will issue agreeable to our wishes.

We are your most obedient,

In behalf of the committee,

NATHAN CLARK, *Chairman.*[1]

---

which he commanded. With only about one half of this unreliable body he attacked Montreal, fought bravely, but was deserted by most of his men and taken prisoner. Warner in the same campaign was more cautious and successful. These events justified the wisdom of the Convention in preferring Warner.—See *Early History*, pp. 214–218; Ira Allen's *History of Vermont* in *Vermont Historical Society Collections*, vol. I, p. 366, text and note.

[1] *Journal of New York Congress*, July 1, 4, and August 15, 1775.

# CONVENTION AT DORSET,

## JANUARY 16, 1776.

[From a manuscript copy in the possession of Hon. JAMES H. PHELPS, of West Townshend, made by him from an official copy certified by JONAS FAY, clerk. First printed in Vermont Historical Society Collections, Vol. I.]

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### WARRANT.

ARLINGTON, 10th Dec'r, 1775.

Whereas, there has been several warrants or notifications sent up the country for a general meeting on the N. Hampshire Grants to be held at Mr. Cephas Kent's, in Dorset, on the first Wednesday of January next, and as it was thought very necessary that Col. Seth Warner with others should attend the said meeting, and their business being such that they could not attend at that time:

This is therefore to warn the inhabitants on the said N. Hampshire Grants west of the range of Green Mountains, to meet together by their Delegates from each town at the House of Mr. Cephas Kent's in said Dorset on the sixteenth day of January next, at nine o'clock in the morning, then and there to act on the following articles, (viz:)

1st. To choose a Moderator or Chairman for said meeting.

2d. To choose Clarks for said meeting.

3d. To see if the Law of New York shall have free circulation where it doth [not ?] infringe on our properties, or Title of Lands. or Riots (so called) in defense of the same.[1]

4th. To see if the said Convention will come into some proper regulations, or take some method to suppress all schismatic Mobbs that have, or may arise on said Grants.

5th. To see if they will choose an Agent, or Agents, to send to the Continental Congress.

6th. To see whether the Convention will consent to associate with N. York, or by themselves, in the cause of America.

By order of MOSES ROBINSON, SAMUEL ROBINSON, SETH WARNER, JEREMIAH CLARK, MARTIN POWELL, DANIEL SMITH, JONATHAN WILLARD, *Committee.*

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[1] See *Vt. Hist. Soc. Coll.*, vol. II, p. x.

N. Hampshire Grants. } Dorset, January 16, 1776.

At a Meeting of the Representatives of the several towns in N. Hampshire Grants, the West side of the Range of Green Mountains, held this day at the house of Mr. Cephas Kent's, Innholder, in said Dorset: Proceeded as follows, viz:

1st. Made choice of Capt. Joseph Woodward, Chairman.

2d. Made choice of Doct. Jonas Fay, Clerk.

3d. Made choice of Col. Moses Robinson, Messrs. Samuel McCoon and Oliver Everts, Assistant Clerks.

4th. Made choice of Messrs. Thomas Ashley, William Marsh, Heman Allen, Abel Moulton, Moses Robinson, John McLane, Gamaliel Painter, James Hurd and Joseph Bowker, a Committee to examine and report their opinion to the Convention, relative to the third article in the warrant.

Adjourned to 3 o'clock, P. M.

Met at time and place.

*Voted*, To make an addition of four persons to the above Committee.

*Voted*, To reconsider the two last votes, and to discourse the matter for which they were appointed in publick meeting.

*Voted*, That the paper with a number of signers exhibited to this Convention relative to Capt. Bowker's character, be ordered to lay on the table, till further order.

*Voted*, That two persons from each Town in the Grants (who are present) be allowed to vote in this Meeting, and no more.

Adjourned to 8 o'clock to-morrow morning.

January 17, 1776.—Met at time and place.

Made choice of Capt. Heman Allen, Capt. Joseph Bowker, Col. Moses Robinson, John McLane, and Col. Timothy Brownson as a Committee to report their opinion relative to the number of Committee men each Town in the Grants shall be allowed.

## REPORT OF THE FOREGOING SUB-COMMITTEE.

Your Committee beg leave to report as their opinion, that the several Towns in the Grants hereafter named, be allowed the number of Members set against the name of each town, and that each other inhabited town in the said Grants be allowed one, or more or less votes in proportion to the number such deputed Member or Members shall represent.

| *Towns' Names.* | *No. votes allowed.* | *Towns' Names.* | *No. votes allowed.* |
|---|---|---|---|
| Pownall, | 4 | Clarendon, | 4 |
| Bennington, | 7 | Rutland, | 3 |
| Shaftsbury, | 4 | Pittsford, | 2 |
| Arlington, | 3 | Rupert, | 2 |
| Sunderland, | 2 | Pawlet, | 1 |
| Manchester, | 4 | Wells, | 1 |
| Dorset, | 2 | Poultney, | 2 |
| Danbee, | 3 | Castleton, | 2 |
| Tinmouth, | 2 | Neshobee, [or Brandon,] | 1 |

Joseph Bowker, *Chairman Sub-Committee.*

A true Copy, Examined,

By Jonas Fay, *Clerk.*

The above report being read was voted and accepted *Nem. Con.*

*Voted*, To represent the particular case of the Inhabitants of the N. Hampshire Grants to the honorable the Continental Congress by Remonstrance and Petition.

*Voted*, That Lt. James Breakenridge, Capt. Heman Allen and Doct. Jonas Fay be, and they are hereby appointed to prefer said petition.

*Voted*, That Doct. Jonas Fay, Col. Wm. Marsh and Mr. Thomas Rowley be a Committee with the above delegates to prepare the said Remonstrance and Petition.[1]

*Voted*, *Nem. Con.*, to pay the above agents their Reasonable costs for their services on their return and exhibiting their accounts.

*Voted*, Messrs. Simeon Hathaway, Elijah Dewey, and James Breakenridge, [of Bennington,] or either two of them, be and are hereby appointed a Committee with power to warn a General Meeting of the Committees on the Grants when they shall judge necessary from Southern intelligence.

And that Col. John Strong, Zadock Everest and Asahel Ward, [of Addison,] be a like Committee with like power of warning such General Meeting of Committees in the Grants when they shall judge necessary from northern intelligence.

*Voted*, That the several Committees of Correspondence continue their duty as usual.[2]

Lastly voted to Dissolve the Meeting.

pr JOSEPH WOODWARD, *Chairman.*

Errors excepted.

True Copy examined.

pr JONAS FAY, *Clerk.*

Cash received for the purpose of Defraying the charges of the Delegates appointed to attend Congress.

| | L. | M. |
|---|---|---|
| Poultney | 0– | 6-4 |
| Pittsford | 0– | 6–0 |
| Rupert | 0– | 10–1 |
| | £1– | 2–5 |

Received pr.

JONAS FAY, *Clerk.*

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[1] The Remonstrance and Petition, thus ordered, was reported and adopted by this Convention, and that part of the proceedings is quoted in full in the record of the Convention of July 24, 1776, following.

[2] This is the first allusion in the record of any General Convention, that has been preserved, of Committees of Correspondence. The inference is that Conventions were held of which we have no record. Probably the committee that warned this meeting was appointed and authorized by a previous Convention.

# CONVENTION AT DORSET,

## JULY 24, 1776.

[From the manuscript copy of the HON. JAMES H. PHELPS, as published in the Vermont Historical Society Collections, vol. I.]

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### WARRANT.

24th June, 1776.

These are to warn the several Inhabitants of the N. Hampshire Grants on the West side, and to desire those on the east side the Range of Green Mountains, That they meet by their several delegates in General Convention, to be held at the dwelling House of Mr. Cephas Kent, innholder in Dorset, on Wednesday, the twenty-fourth day of July next at 8 o'clock in the forenoon, to act on the following articles, (viz :)—

1st. To choose a Moderator, and secondly a Clerk for said Convention.

3d. To receive the report of Capt. Heman Allen from the Continental Congress, he having been previously appointed to transact business in behalf of the inhabitants of said Grants.

4th. To know the minds of the Convention, relative to their associating with the province of N. Hampshire.

5th In case the last article be objected to : Whether said Convention will agree to an association (not repugnant to that of the Continental Congress) and subscribe thereto, to do duty in conjunction with the Continental Troops (only) as Members of the District of Land which they inhabit.

6th. To see if said Convention will earnestly recommend it to the several Field Officers heretofore nominated on said Grants, to see that their men be forthwith furnished with suitable arms, ammunition and accoutrements, &c., agreeable to a resolve of the honble the Continental Congress.

7th. To see if said Convention will make preparation, and settle with Capt Heman Allen for his expenses and services for the publick.

And 8th. to transact any other business that shall be thought necessary and in the power of Sd Convention for the safety of the liberties of the Colonies in General and the N. Hampshire Grants in particular.

JAMES BREAKENRIDGE,
SIMEON HATHAWAY,
ELIJAH DEWEY,
} *Committee Appointed.*

Copy examined,
pr JONAS FAY, *Clerk.*

DORSET, July 24th, 1776.

In consequence of the foregoing Warrant, the following persons, being Delegated, met at this place to transact the business of S[d] warning, (viz :)

| *Towns' Names.* | *Delegates' Names.* |
|---|---|
| *Pownall,* | Capt. Sam'l Wright. |
| *Bennington,* | Simeon Hathaway, Jonas Fay, Jno. Burnam, Jr. |
| *Shaftsbury,* | Maj. Jeremiah Clark, Mr. John Burnam. |
| *Sunderland,* | Joseph Bradley. |
| *Manchester,* | Col. Wm. Marsh,[1] Lt. Martin Powell, Gideon Ormsby. |
| *Dorset,* | John Manley, Abr'm Underhill. |
| *Rupert,* | Reuben Harmon, Amos Curtis. |
| *Pawlet,* | Capt. Wm. Fitch, Maj. Roger Rose. |
| *Wells,* | Daniel Culver, Ogden Mallory. |
| *Poultney,* | Nehemiah Howe, William Ward. |
| *Castleton,* | Ephraim Buel, Jesse Belknap. |
| *Hubberton,* | Benja. Hitchcock. |
| *Williston,* | Col. Thos. Chittenden. |
| *Jerico,* | Brown Chamberlain. |
| *Colchester,* | Ira Allen. |
| *Hinesburgh & Monkton,* | Isaac Lawrence. |
| *Neshobee [or Brandon,]* | John Mott. |
| *Pittsford,* | Aaron Parsons, Jona. Rowley, Jonathan Fassett. |
| *Rutland,* | Asa Johnson, Joseph Bowker. |
| *Clarendon,* | Thomas Braten. |
| *No. Wallingford,* | Matthew Lyon, Abr'm Jackson. |
| *Tinmouth,* | Eben'r Allen, Stephen Royce. |
| *Danbee,* | Capt. Micah Veal, [Vail,] William Gage. |
| *Townshend,* | Capt. Samuel Fletcher, Josiah Fish.[2] |
| *Middleborough,* | Capt. Heman Allen, |
| *Bridport,* | Samuel Benton. |
| *Sudbury,* | John Gage. |
| *Addison,* | Col. John Strong. |
| *Cornwall,* | James Bentley. |
| *Burlington,* | Lemuel Bradley. |
| *Stamford,* | Thomas Morgan. |

*Voted,* Unanimously, that the above persons be admitted as legal members of this Convention.

Copy examined.

pr JONAS FAY, *Clerk.*

## PROCEEDED—(VIZ.)

Chose Capt. Joseph Bowker, Chairman.

Chose Doct. Jonas Fay, Clerk.

After which on a motion being made and agreed to by the House the Clerk proceeded to read the following Address, Remonstrance and Petition of the Inhabitants of the N. Hampshire Grants to the honorable the

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[1] See note on p. 22, *post.*

[2] Messrs. Fletcher and Fish were the first Delegates in General Convention from eastern Vermont.

Continental Congress, which was exhibited to that board by Capt. Heman Allen in the latter part of the month of April, or in the beginning of the month of May, A. D. 1776, (viz.)

"*To the Honorable John Hancock, Esq'r., President of the honorable the Continental Congress, &c., &c., now assembled at Philadelphia :—*

"The Humble Address, Remonstrance and Petition of that part of America being situated south of Canada line, West of Connecticut River, North of the Massachusetts Bay, and East of a twenty mile line from Hudson's River, commonly called and known by the name of the N. Hampshire Grants,—Humbly Sheweth,

"That your honor's Petitioners being fully sensible and duly affected with the very alarming situation in which the united colonies are involved, by means of a designing Ministry, who have flagrantly used, and are still using their utmost efforts to bring the inhabitants of this very extensive continent of America, into a base and servile subjection to Arbitrary Power ; Contrary to all the most sacred ties of Obligation by Covenant, and the well known Constitution by which the British Empire ought to be governed ; your Petitioners, not to be prolix or waste Time, when the whole Continent are in so disagreeable situation, would however beg leave to Remonstrate in as short terms as possible the very peculiar situation in which your petitioners have for a series of years been exercised, and are still struggling under.

"Perhaps your honors, or at least some of you, are not unacquainted, that at the conclusion of the last War, the above described premises, which your petitioners now inhabit, was deemed and reputed to be in the province of New-Hampshire, and consequently within the jurisdiction of the same. Whereupon applications were freely made to Benning Wentworth, Esq., the then Governor of the province of N. Hampshire, who, with the advice of his council, did grant under the Great Seal of said province to your honors' Petitioners a large number of Townships of the contents of six miles square each, in consequence of which a great number of your petitioners, who were men of considerable substance, disposed of their interests in their native places, and with their numerous families proceeded many of them two hundred miles, encountering many Dangers, Fatigues and great Hardships to inhabit a desolate Wilderness, which has now become a well-settled frontier to three Governments. This was not all our Trouble, for soon after the commencement of those Settlements, the Monopolizing Land Traders of New-York, being apprised that the province of New-Hampshire had granted the said Lands, and that settlements were actually making, did present a petition (as we have often heard and verily believe) in your Petitioners' names, praying that his Majesty would annex the said lands granted by the authority of N. Hampshire to N. York on account of its local and other circumstances for the benefit of the inhabitants.

"Your petitioners not being apprized of the intrigue (in this case) were mute, therefore as no objection was made why the prayer of the petition should not be granted, his Majesty was pleased with the advice of his Council on the 20th day of July, A. D. 1764, to grant the same, immediately after which the Land Traders of N. York Petitioned the then Governor of that Province for grants of Land, some part of which had been previously granted to your petitioners by the Governor and Council of N. Hampshire. The dispute then became serious, and your Petitioners then petitioned his Majesty for Relief in the Premises. His Majesty was pleased to appoint a Committee, who reported to his Majesty in the premises, and his Majesty was pleased to pass an order in the following words (viz.):—

"'At a Court at Saint James's the 24th day of July, 1767.

"'PRESENT:

"'The King's Most Excellent Majesty.

| | |
|---|---|
| The Archbishop of Canterbury. | Earl of Shelburn. |
| Lord Chancellor. | Viscount Falmouth. |
| Duke of Queensborough. | Viscount Barrington. |
| Duke of Ancarter. | Viscount Clark. |
| Lord Chamberlain. | Bishop of London. |
| Earl of Litchfield. | Mr. Sec'y Conway. |
| Earl of Bristol. | Thom's Stanley, Esq. |

"'His Majesty taking the said Report into consideration was pleased with the advice of his Privy Council to approve thereof and doth hereby strictly charge, require and command, that the Governor or Commander-in-Chief of his Majesty's Province of New York for the time being, do not upon pain of his Majesty's highest displeasure presume to make any grant whatsoever of any part of the Land described in said Report until his Majesty's further pleasure shall be known concerning the same.

"'WILLIAM SHARPE.

"'A true Copy, Attest, G'W. BANYAR, *Dept'y Sec'y.*'"[1]

"The many intervening and unhappy disputes which since have happened between those Land Traders of New York and your Petitioners would take up too much time under the present situation of Public Affairs to recite, as Capt. Heman Allen and Doct'r Jonas Fay who we have appointed to present this to your honors will be furnished therewith should they find your honors' admittance, and such particulars be thought necessary. Let it suffice here only to mention that the oppressions from those overgrown land Traders were so grievous that your Petitioners were again induced, at a great expense, to petition his Majesty; in consequence of which a Committee was appointed and made a report in favor of your Petitioners, which is too prolix to be inserted here.

"We are called on this moment by the Committee of Safety for the County of Albany to suppress a dangerous insurrection in Tryon County. Upwards of ninety soldiers were on their march within twelve hours after receiving the news, all inhabitants of one town inhabited by your petitioners, and all furnished with arms, ammunition, accoutrements, provisions, &c. Again we are alarmed by express from General Wooster commanding at Montreal, with the disagreeable news of the unfortunate attack on Quebec, (unfortunate indeed to lose so brave a commander,) requiring our immediate assistance by Troops; in consequence of which a considerable number immediately marched for Que-

[1] Dec. 24, 1786, John Munro [of Shaftsbury] wrote to James Duane that he had been to England to get compensation for loss of his property; that in Sept. 1785 the commissioners awarded him a pitiful sum, having made large deductions from his claim; and he declared that "we discovered that *the deduction was owing to the New Hampshire claims covering the most part of my property.*" Thus the important fact appears, that, eighteen years after the above order of the king in council, and when the controversy between Vermont and New York was fully understood, *the validity of the New Hampshire Grants* was affirmed by the British board which had jurisdiction of land titles in America.—*E. Allen Mss.*, pp. 415–419; *Early History of Vermont*, p. 466.

bec, and more are daily following their example.[1] Yet while we your Petitioners are thus earnestly engaged, we beg leave to say that we are entirely willing to do all in our Power in the General Cause, under the Continental Congress, and have been ever since the taking Ticonderoga, &c., in which your petitioners were principally active, under the command of Col. Ethan Allen, but are not willing to put ourselves under the honorable provincial Congress of New York in such manner as might in future be detrimental to our private property ; as the oath to be administered to those, who are, or shall be entrusted with commissions from said Congress, and the Association, agreed upon by the same authority, together with some particular restrictions and orders for regulating the Militia of said province, if conformed to by the inhabitants of the said N. Hampshire Grants, will (as we apprehend) be detrimental to your petitioners, in the determination of the dispute now subsisting between your said Petitioners and certain claimants under said province of New York. And that your Petitioners' ardent desires of exerting themselves in the present struggle for freedom may not be restrained,

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[1] HILAND HALL has vividly stated the urgency of the demand upon the Green Mountain Boys in this emergency, and the promptitude and vigor of their response :

By the sudden death of Montgomery, the command in Canada devolved on Gen. Wooster. He had been left at Montreal in charge of the troops at that place and its vicinity, and he immediately made every effort to obtain reinforcements from the colonies. On the 6th of Jan. 1776, he wrote to Col. Warner for aid in the most pressing terms. The following are extracts from his letter. After giving a general account of the misfortune at Quebec, he says : "I have not time to give you all the particulars, but this much will show you that in consequence of this defeat our present prospect in this country is rendered very dubious, and unless we can be quickly re-enforced, perhaps they may be fatal, not only to us who are stationed here, but also to the colonies in general ; as in my opinion the safety of the colonies, especially the frontiers, very greatly, depends upon keeping possession of this country. I have sent an express to Gen. Schuyler, General Washington and the Congress, but you know how far they have to go, and that it is very uncertain how long it will be before we can have relief from them. You, sir, and the valiant Green Mountain corps, are in our neighborhood. You all have arms, and I am confident ever stand ready to lend a helping hand to your brethren in distress, therefore let me beg you to raise as many men as you can, and somehow get into the country and stay with us till we can have relief from the colonies. You will see that proper officers are appointed under you, and both officers and privates will have the same pay as the continental troops. It will be well for your men to set out as soon as they can be collected. It is not so much matter whether together or not, but let them be sent on by tens, twenties, thirties, forties or fifties, as fast as they can be collected. It will have a good effect upon the Canadians to see succor coming on. You will be good enough to send copies of this letter or such parts of it as you think proper to the people below you. I can but hope the people will make a push to get into this country, and I am confident I shall see you here with your men in a very short time." Gen. Wooster was not disappointed. He did see Warner in Canada "in a very short time." Their promptness and alacrity on this alarming occasion elicited the notice and approval of both Washington and Schuyler.—*Early History*, pp. 219, 220.

and that we might engage in the Glorious Cause, without fear of giving our opponents any advantage in the said Land dispute, which we would wish to have lie Dormant[1], until a general restoration of Tranquility shall allow us the opportunity for an equitable decision of the same.

"Another reason that much hinders us from joining New York hand in hand in the General Cause, is, they will not own us in our property, but on the contrary the Judges of their Supreme Court have expressly declared the Charters, Conveyances, &c., of your Petitioners' Lands to be null and void.

"Therefore we your honors'-humble Petitioners most earnestly pray your Honors to take our cause into your wise consideration, and order that for the future your petitioners shall do Duty in the Continental service (if required) as inhabitants of said New Hampshire Grants, and not as inhabitants of the province of New York, or subject to the Limitations, restrictions or regulations of the Militia of said province, and that commissions, as your honors shall judge meet, be granted accordingly, and as in Duty bound, your honors' Petitioners shall ever pray.

"At a meeting of the representatives of the different Towns on the N. Hampshire Grants legally warned and convened at the house of Mr. Cephas Kent's, innholder in Dorset, on the 16th day of January, A. D. 1776: Captain JOSEPH WOODWARD, *Chairman.*

"Doct'r JONAS FAY, *Clerk.*

"This meeting after due consideration agreed to prefer to the honorable the Continental Congress a humble Petition setting forth the peculiar circumstances of this part of the Country. Accordingly a Committee was appointed to draw up the same, who drew up the foregoing and reported it to the house in the evening, and the Clerk read the same in his place, and afterwards delivered it in at the Table; the House then adjourned till to-morrow 9 o'clock.

"January 17th. Met according to adjournment.

"The said Petition being a second time read was agreed to by the whole house, then Lieutenant James Breakenridge and Captain Heman Allen was nominated to prefer the said petition, a vote was called and passed in the affirmative, *Nem. Con.*—then Doctor Jonas Fay was nominated and a vote called passed in the affirmative, *Nem. Con.*

"JOSEPH WOODWARD, *Chairman.*

"Attest, JONAS FAY, *Clerk.*

"A true copy from the original.

"Errors excepted. pr JONAS FAY, } *Committee Appointed.*"
IRA ALLEN, }

Captain Heman Allen, appointed to prefer the foregoing to the honorable the Continental Congress, being present, and a motion being made and seconded, Reported to the Convention as follows, (viz.:)

That in consequence of his appointment, for that purpose, he had delivered the said foregoing Remonstrance, Address and Petition to the honorable John Hancock, Esqr., the President of Congress then sitting at Philadelphia, and that by the directions of the honorable House it was read in his place at the Board by the Secretary.

That the delegates from the province of New York endeavored to oppose the said petition, but that it was entered on file and ordered to lie on the table for further consideration.

That on the advice of several gentlemen, he made a motion to withdraw the said petition, that the Delegates from New York should not

[1] The sentence is imperfect. Instead of "which we would wish," &c., read—*we would wish to have it* [the dispute] *lie dormant,* &c.

have it in their power to bring the matter to a final decision at a time when the Convention in the Grants had no proper Delegate in the House; that in consequence thereof the Motion was entered on the Minutes, the Petition not being ready at hand at that time.[1]

That he had many private conferences with sundry members of Congress and other Gentlemen of distinction relating to the particular circumstances and situation of the New Hampshire Grants, who did severally earnestly recommend that the inhabitants of said Grants exert themselves to their utmost abilities to repel, by force, the Hostile invasions of the British fleets and armies against the colonies of America, and that said Inhabitants do not by any way or means whatsoever connect or associate with the honorable Provincial Congress of New York, or any authority derived from, by, or under them, directly or indirectly, but that the said inhabitants do forthwith consult suitable measures to associate and unite the whole of the Inhabitants of said Grants together.[2]

PROCEEDED—VIZ.

This Convention being fully sensible that the importance of the business which occasions their meeting at this time requires the most serious deliberation, are therefore disposed to make the following votes—(viz.:)

1st. That not more than one person be allowed to speak at the same time, and only by leave of the Chairman.

2d. That the business of the meeting be closely attended to, and that the several articles contained in the Warrant for this Meeting be severally followed in course, (except otherwise overruled.)

3d. Voted to pass over the fourth, fifth and sixth articles of the Warrant till to-morrow at ten o'clock at this place.

3d. *Voted*, Col. William Marsh, Col. Thomas Chittenden, John Burnam, Junr., Capt. Micah Veal [Vail,] and Lieut. Joseph Bradley, be a Committee to examine the account of Capt. Heman Allen for his service for the Publick, and report their opinion thereon to this Convention 9 o'clock to-morrow morning.

Adjourned to 7 o'clock to-morrow morning at this place.

Meeting opened at time and place.

Proceeded to the consideration of the fourth article of the Warrant, and after due consideration it was dismissed.

Proceeded to the consideration of the fifth article of the Warrant, and *Resolved*, That application be made to the inhabitants of said Grants to form the same into a separate District [or State.]

Dissentients only one.

Proceeded to the consideration of the sixth article of the Warrant, and

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[1] See *Vt. Hist. Soc. Collections*, vol. II, "Additions and Corrections," pp. xiv, xv.

[2] The following are the resolutions of Congress :

The Committee, to whom the petition, address, and remonstrance of persons inhabiting that part of America, which is commonly called and known by the name of the New-Hampshire grants, was referred, have examined the matter thereof, and come to the following resolution thereupon :

*Resolved*, That it is the opinion of this Committee, that it be recommended to the petitioners, for the present, to submit to the government

*Voted*, To recommend it accordingly.

*Voted*, To choose a Committee to treat with the Inhabitants of the New Hampshire Grants on the East side of the range of Green Mountains, relative to their associating with this Body.

*Voted*, That Capt. Heman Allen, Col. William Marsh, and Doct. Jonas Fay, in conjunction with Capt. Samuel Fletcher and Mr. Joshua Fish, be a Committee to exhibit the proceedings of this Convention, to said inhabitants, and to do the Business as above.

*Voted*, Doct. Jonas Fay, Col. Thomas Chittenden, and Lieut. Ira Allen a Committee to prepare instructions for the above said Committee.

*Voted*, That Col. Seth Warner and Col. Thomas Chittenden be a Committee to present a Petition to the General and Commander-in-Chief of the Northern Department, requesting his assistance in Guarding the Frontiers to the Northward on the said New Hampshire Grants.

*Voted*, That Doct. Jonas Fay and Col. William Marsh be a Committee to prepare the above petition.

Adjourned one hour.

The meeting opened at time and place.

Proceeded to the consideration of the following Association, (viz.:)

This Convention being fully sensible that it is the Will and Pleasure of the honorable the Continental Congress, that every honest Friend to the Liberties of America, in the several United States thereof, should subscribe an Association, binding themselves as Members of some Body or Community to stand in the defence of those Liberties; and Whereas it has been the usual custom for individuals to associate with the Colony or State which they are reputed members of: Yet nevertheless the long and spirited Conflict, which has for many years subsisted between the Colony or State of New York, and the inhabitants of that District of Land, Commonly Called and known by the name of the New Hampshire Grants, relative to the title of the Land on said District, renders it inconvenient in many respects to associate with that Province or State, which has hitherto been the sole reason of our not subscribing an Association before this.

The better therefore to convince the Publick of our readiness to join in the common Defence of the aforesaid Liberties, We do Publish and Subscribe the following Association, (viz.:)

We the subscribers inhabitants of that District of Land, commonly called and known by the name of the New Hampshire Grants, do voluntarily and Solemnly Engage under all the ties held sacred amongst Mankind at the Risque of our Lives and fortunes to Defend, by arms, the

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of New-York, and contribute their assistance, with their countrymen, in the contest between Great-Britain and the United Colonies; but that such submission ought not to prejudice the right of them or others to the lands in controversy, or any part of them; nor be construed to affirm or admit the jurisdiction of New-York in and over that country; and when the present troubles are at an end, the final determination of their right may be mutually referred to proper judges.

*In Congress, June 4th*, 1776.

*Resolved*, That captain Herman [Heman] Allen have leave to withdraw the petition by him delivered, in behalf of the inhabitants of the New-Hampshire grants, he representing that he has left at home some papers and vouchers necessary to support the allegations therein contained.

*Extracts from the minutes*, THOS. EDSON, *for*
CHAS. THOMPSON, *Sec.*

—See Slade's *State Papers*, pp. 64, 65; *Journal of Congress*, June 4, 1776, vol. II, p. 190.

United American States against the Hostile attempts of the British Fleets and Armies, until the present unhappy Controversy between the two Countries shall be settled.

SIGNERS' NAMES—VIZ.

| | | |
|---|---|---|
| Joseph Bowker, | William Gage, | Daniel Culver, |
| Thomas Chittenden, | Reuben Harmon, | John Burnam, |
| Simeon Hathaway, | John Manley, | John Strong, |
| Jeremiah Clark, | Seth Warner, | Lemuel Bradley, |
| Joseph Bradley, | William Marsh,[1] | John Gage, |

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[1] Went over to the enemy after signing the above.—*E. Allen Mss.*, p. 240. And fled to Canada, leaving his family in Dorset.—*Vt. Hist. Mag.*, vol. 1, p. 184. His property was confiscated, and his return to the State was forbidden by the following act, which was passed Feb. 26, 1779, and continued in force until Nov. 8, 1780:

AN ACT to prevent the return to this State, of certain persons therein named, and others who have left this State or either of the United States, and joined the enemies thereof.

Whereas [here follow one hundred and eight names] and many other persons, have voluntarily left this State, or some of the United States of America, and joined the enemies thereof, thereby not only depriving these States of their personal services, at a time when they ought to have afforded their utmost aid in defending the said States against the invasions of a cruel enemy, but manifesting an inimical disposition to said States, and a design to aid and abet the enemies thereof, in their wicked purposes:

And whereas many mischiefs may accrue to this, and the United States, if such persons should again be admitted to reside in this State:

*Be it enacted, &c.*, that if the said, [here the names are repeated,] or any of the before mentioned persons, or either of them, or any other person or persons, though not specially named in this act, who have voluntarily left this State, or either of the United States, and joined the enemies thereof, as aforesaid, shall, after the passing of this act, voluntarily return to this State, it shall be the duty of the sheriff of the county, his deputy, the constable, select-men or grand jurors of the town where such person or persons may presume to come, and they are hereby respectively impowered and directed, to apprehend and carry such person or persons before an assistant or justice of the peace; who is hereby required to call to his assistance one or more assistants or justices of the peace, who are hereby directed to give their attendance, according to such requisition; and if, upon examination into the matter, the said justices shall find that the person brought before them is any one of the before described persons, they shall order him to be whipped on the naked back, not more than forty, nor less than twenty stripes; which punishment shall be inflicted, and the delinquent shall be ordered to quit this State, immediately.

*Be it further enacted*, that if any person shall continue in this State, one month, or shall presume to come again into this State, after such conviction, (without liberty first had and obtained therefor, from the Governor, Council, and General Assembly,) and be convicted thereof, before the superior court of this State, he shall be put to death.

*Be it further enacted*, that if any person shall, willingly or wilfully, harbor or conceal any of the persons above named or described, after their return to this State, contrary to the design of this act; such per-

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| Abraham Jackson, | Gideon Ormsby, | John Mott, |
| Samuel Wright, | Stephen Royce, | Jonathan Rowlee, |
| Samuel Benton, | Amos Curtis, | Jona. Fassett, |
| Jesse Belknap, | Ira Allen, | Aaron Parsons, |
| Abraham Underhill, | Nehemiah Howe, | Matthew Lyon, |
| William Ward, | Asa Johnson, | William Fitch, |
| James Bentle, | Brown Chamberlain, | Ogden Mallery, |
| Thomas Morgan, | Ephraim Buell, | Jonas Fay, |
| Heman Allen. | Ebenezer Allen, | Martin Powell, |
| John Burnam, Jr., | Benjamin Hicock, | Roger Rose, |
| Micah Veal, [Vail,] | Isaac Lawrence, | Samuel Fletcher, |
| | | Josiah Fish. |

The above are the names of the Delegates. Thomas Braten, of Clarendon, the only Dissentient.

*Resolved*, That it be, and it is hereby recommended to the several inhabitants on the New Hampshire Grants (who are friends to the liberties of the United States of America) that they subscribe the Association agreed on, and signed by the several Members of this Convention, and return the same to the Clerk thereof as soon as may be.

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son, so offending, shall, on conviction thereof before the superior court, forfeit and pay the sum of five hundred pounds; two thirds thereof to the use of this State, the other third to the use of him or them who shall prosecute the same to effect.—*Ms. record of Laws*, vol. I, in Secretary of State's office; Slade's *State Papers*, p. 355.

The second section of this stringent, but undoubtedly necessary act, implies that in this bad company were some good men whose return to the state ultimately would be desirable; of these Col. Marsh was one. He was not a Tory, and he had been an efficient friend of the new state; but when the splendidly equipped army of Burgoyne swept along the western border, and a part of it was reported to be advancing on the military road from Mount Independence to Castleton, and on through the most thickly settled portion of the territory to the valley of Connecticut river, Vermont was unorganized; it had no government but a council of twelve men just appointed, and among them was a Judas; they were without a regular corps of officers to execute their orders in the raising of troops—without a treasury, or a dollar of money beyond what they had in their pockets for current expenses. Col. Marsh was therefore panic-stricken. He himself hastened, with other disheartened Whigs and a greater number of avowed Tories, to seek refuge in Canada, and his wife, who feared no personal injury, remained to secure her most valuable goods as well as she could, filling her brass kettle with her pewter ware and silver spoons, and sinking them in a pond near her dwelling—so perfectly safe that she never recovered them.—*Vt. Hist. Mag.*, vol. I, p. 184. Col. Marsh, however, returned, and was permitted to remain. His son, Johnson Marsh, represented Dorset in the General Assembly of 1825. The case of Daniel Marsh of Clarendon was similar. He, too, was included in the act of Feb. 26, 1779, but he returned and represented his town in the General Assembly from 1784 to 1788-9, five years.

*Resolved*, Unanimously, That any person or persons inhabitants of the New Hampshire Grants that shall in future subscribe and return an Association to any the Committee or Committees of Safety for either of the Counties in the province of N. York, or to the provincial Congress thereof, otherwise than the Association contained in these Records and subscribed by the several Delegates of this Convention, shall be deemed enemies to the Common Cause of the N. Hampshire Grants.[1]

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[1] These were the first formal proceedings in Convention for the evident purpose of severing the connection of eastern Vermont with New York, and of uniting the eastern and western towns in a common league for prosecuting the war for national independence. A common league meant common action, and necessarily implied ultimately a supervisory and executive body of some sort having jurisdiction over the whole territory. Of course the real purpose was covered by article five of the warning, which was interpreted by the vote thereon, "that application be made to the inhabitants of said Grants [i. e., of the whole territory covered by New Hampshire when it granted the charters,] to form the same into a separate District." The editor has suggested the addition of the words *or State*, because that was the interpretation put upon this vote by the same Convention at the adjourned session of Sept. 25 following, and finally by another adjourned session, Jan. 17, 1777, when it declared "the *district* or territory," &c., "is hereby declared forever hereafter to be considered as *a separate, free and independent jurisdiction or state.*" By extending the proposition to the eastern towns in the form of an appeal to their patriotism, the Convention adopted the form most likely to be popular—at least most likely to attract the ardent eastern Whigs to the projected new state. It is to be observed also that this was the first Convention at which an eastern town was represented. Townshend is entitled to that honor, as well as to the honor of sending one of the ablest, bravest, and best citizens of the state in his day—Maj. Gen. SAMUEL FLETCHER. The delegates of that town were of the committee appointed to submit the proposition to the inhabitants of the eastern towns. The western members of this committee worked with effect, for which doubtless the eastern members had in some degree prepared the way, the result being that ten other eastern towns were represented in the Convention at the adjourned sitting of Sept. 25. The Convention adjourned on the 25th of July, and on the 6th of August Heman Allen, Jonas Fay, and William Marsh attended a joint meeting of the Committees of Safety of Cumberland and Gloucester counties, assembled at Windsor. Of their work there and the results, B. H. HALL has given the following succinct account:

Various papers were read by them bearing upon the subject of a separate jurisdiction; the boundaries of a new state were described; and the approbation of the committees was sought to the projects of the Dorset convention. In support of the proposed measures Mr. Allen told Mr. Clay [James Clay, chairman of the Cumberland County Committee of Safety,] that he had consulted with several members of the Conti-

*Resolved*, That nine persons be chosen as a Committee of Appeals, who are to hear and determine such matters as may be properly exhibit-

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nental Congress who had recommended to him and his coadjutors to ascertain the feelings of the people concerning the formation of a new state. He also reminded him, that if the inhabitants of the "Grants" should accede to the form of government which would soon be adopted for the state of New York, they would have no opportunity to withdraw their support therefrom at a future day.

For the purpose of ascertaining the views of those residing east of the Green mountains, upon the measures suggested by the committee from the Dorset convention, the people in each town were invited to assemble in town-meeting and express their opinion as to the course which they should deem it best to pursue. In Rockingham, on the 26th of August, the inhabitants voted "to associate with the inhabitants of that district of land commonly called and known by the name of the New Hampshire Grants." They also chose two delegates to attend the convention to be held at Dorset in the fall, and instructed them "to use their best influence" to obtain the passage of such resolves as would tend to establish the "Grants" as a separate and independent state. At "the fullest meeting ever known in Chester," held on the 2d of September, similar measures were adopted, and the association, which had been formed at the Dorset convention, was signed by forty-two of the inhabitants.* A like spirit pervaded many of the other towns in the two counties. In some, however, there were two parties, and in a few, as in Halifax, where the inhabitants voted not to send a delegate "to meet the Green Mountain Boys," no disposition was shown to throw off the jurisdiction of New York.

At the adjourned convention, which was held at Dorset on the 25th of September, representatives were present from both sides of the mountains. Loyalty to American principles, as embodied in the Revolution, animated the discussions which took place, and gave character to the measures which were proposed. Yet, while declaring their determination to support the general government of the United States, the members resolved that "no law or laws, direction or directions" from the state of New York would be accepted by them, or be regarded by them, as of the least weight or authority. The little leaven of dissatisfaction had worked its effect in silence, and the whole lump was fast becoming assimilated.

And again :

Before the resolutions of the [New York] Convention concerning Cumberland county had passed, [in October,] James Clay, by the advice of Col. Williams, one of the former deputies, had issued circular letters containing a request that the people of each town would assemble and make known their intentions relative to the course they should pursue on the question of state jurisdiction, in order that their proceedings might be laid before the county committee of safety at the next meeting. Written returns were received from a few towns; verbal messages from others; but the majority did not deem it practicable to offer a reply. The greater part of the inhabitants of Hartford favored a separation from New York, but desired that an application to that effect should be made in the state Convention before the subject was brought before the Con-

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* Chester was not represented in General Convention until October 30, 1776.

ed to them (in writing) by any of the inhabitants of the New Hampshire Grants relative to the cause of American Liberty, by way of proper appeal from the judgment of either of the Committees of Safety on said Grants, any five of which Committee to be a Quorum.

*Resolved*, That Doctor Jonas Fay, Col. Timothy Brownson, Col. William Marsh, Capt. Joseph Bowker, Capt. Joseph Woodward, Capt. Micah Veal, [Vail,] Col. Thomas Chittenden, Major Stephen Royce, and Capt. Abraham Underhill, be and are hereby unanimously appointed a Committee for the above purpose.

*Lastly Resolved*, To adjourn this Convention, and to meet at this place on Wednesday, the 25th day of September next at 8 o'clock in the Morning.

JOSEPH BOWKER, *Chairman.*

Attest, JONAS FAY, *Clerk.*

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## ADJOURNED SESSION AT DORSET, SEPT. 25, 1776.

[From the manuscript copy of the HON. JAMES H. PHELPS, as published in the Vermont Historical Society Collections, Vol. I.]

NEW HAMPSHIRE GRANTS, } At a General Convention of
CEPHAS KENT'S, *Dorset, 25th Sept.* 1776. } the Several Delegates from the Towns on the West side the range of Green Mountains the 24th day of July last, consisting of fifty-one Members, representing thirty-five towns, and held this day by adjournment by the representatives on the West and East side the said range of Green Mountains; the following members being present at the opening of the Meeting, viz. :

Captain JOSEPH BOWKER in the Chair.
Doct. JONAS FAY, *Clerk.*

[WEST SIDE.]

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| *Pownal*, | Capt. Sam'l Wright,<br>Doct. Obadiah Dunham. |
| *Bennington*, | Mr. Simeon Hathaway,<br>Doct. Jonas Fay,<br>Capt. John Burnham,<br>Nathan Clark, Esq.,<br>Maj'r Sam'l Safford,<br>Col° Moses Robinson. |
| *Shaftsbury*, | Major Jeremiah Clark,<br>Mr. John Burnham. |
| *Sunderland*, | Lieut. Joseph Bradley,<br>Col. Timothy Brownson. |
| *Manchester*, | Lieut. Martin Powell,<br>Lieut. Gideon Ormsby,<br>Col° Wm. Marsh. |
| *Dorset*, | Mr. John Manley,<br>Mr. Ab'r Underhill. |
| *Rupert*, | Mr. Reuben Harmon,<br>Mr. Amos Curtis. |
| *Pollet*, | Capt. Wm. Fitch,<br>Major Roger Rose. |
| *Bridport*, | Mr. Samuel Benton. |
| *Addison*, | David Vallance. |

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tinental Congress. The particular sentiment prevailing at this time was favorable to a peaceable revolt, if a revolt should be declared necessary to the well-being of the people.—*Eastern Vermont*, pp. 268, 269, 276.

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| *Stamford*, | Thomas Morgan. |
| *Williston*, | Col° Thomas Chittenden. |
| *Colchester*, | Lieut. Ira Allen. |
| *Middlebury*, | Mr. Gamaliel Painter. |
| *Burlington*, | Mr. Lemuel Bradley. |
| *Neshobee*, [or *Brand'n*] | Capt. Timothy Barker, Mr. Thomas Tuttle. |
| *Rutland*, | Capt. Joseph Bowker, Col° James Mead. |
| *Wallingford*, | Mr. Abraham Ives. |
| *Tinmouth*, | Capt. Ebenezer Allen, Major Thomas Rice. |
| *Danby*, | Capt. Micah Veal,[Vail,] Mr. William Gage. |
| *Panton*, | John Gale. |
| *Bromley* [or *Peru*,] | Capt. Wm. Utley. |
| | Col° Seth Warner, Present. |
| | Capt. Heman Allen, do. |
| *Wells*, | Ogden Mallery, Zacheus Mallery. |
| *Poultney*, | Mr. Nehemiah How, Mr. Wm. Ward. |
| *Castleton*, | Capt. Joseph Woodward. |

MEMBERS FROM EAST SIDE OF GREEN MOUNTAINS.

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| *Marlborough*, | Capt. Francis Whitmore. |
| *Guilford*, | Col. Benjamin Carpenter, Major John Shepardson. |
| *Windsor*, | Mr. Ebenezer Hoisington. |
| *Kent*, [or *Londonderry*,] | Edward Aiken, Col° James Rogers.[1] |
| *Rockingham*, | Doct. Reuben Jones. |
| *Dummerston*, | Mr. Joseph Hildreth, Lieut. Leonard Spaulding |
| *Westminster*, | Mr. Joshua Webb, Nath[l] Robinson, Esq. |
| *Halifax*, | Col. Benjamin Carpenter. |
| *Wilmington*, [or *Draper*,] | By a letter from s'd town. |
| *Cumberland*, | By a Letter. |

[1] James Rogers came from Londonderry, N. H., to Vermont. About 1770, with S. Thompson and James Patterson, he commenced the settlement of Londonderry, Vt., which had been granted by New York to Rogers, Feb. 13, 1770, under the name of "Kent." He was commissioned by New York as assistant justice of inferior court of common pleas and as justice of the peace in 1766, and again in 1772. In 1775 he was counted a Whig, and at a Convention of twelve towns in Cumberland county, held Feb. 7, of that year, was appointed one of a committee of correspondence for twenty-one towns. On the 31st of May, 1775, New York tendered to him a commission as brigadier-general of the militia of Cumberland, Gloucester, and Charlotte counties, which he refused "upon political principles." The Committee of Safety of Cummberland county nominated him for the same office in the same year, doubtless without accurate information as to his politics. In Sept. 1776 he was a delegate in the Dorset Convention, and seems to have voted in favor of separating from New York. Afterward, probably on Burgoyne's invasion, Rogers joined "the king's troops," and Oct. 3, 1777, the Council of Safety assumed the control of his property, which was confiscated in 1778. In 1795 and 1797 James Rogers, Jr., petitioned the

The foregoing members being organized proceeded to business.

1st. *Voted*, That the records and proceedings of this Convention held at this place, from the 16th of January, 1776 to this time, be read to give light to those Gentlemen Delegates from the East side of the Green Mountains in particular and the whole in general.

2d. *Voted*, That the words "That has been heretofore subscribed and returned or that" included in a vote at the last sitting of this Convention be erased, which is accordingly done.[1]

3d. *Voted*, To adjourn till 8 o'clock to-morrow morning at this place.

THURSDAY, 8 o'clock in the Morning.

Meeting opened at time and place.

4th. *Voted*, To make a general list of the names of those of the inhabitants of the several Towns on the N. Hampshire Grants who have signed the General Association, voted by the last Convention to be signed.

5th. *Voted*, That no member of this Convention be permitted to speak more than three times to one case (at one sitting) without leave of the Board.

6th. *Voted*, That the Association originally signed be returned to the Clerk of this Convention at their next sitting.

7th. *Voted*, To take the following vote passed in July 24th, 1776, into consideration (viz.) "Proceeded to the consideration of the fifth article of the Warrant, and voted that suitable application be made to form that District of Land, commonly called and known by the name of the New-Hampshire Grants, into a separate District;" passed in the affirmative—not one dissenting vote.

8th. *Voted*, That Colo Wm. Marsh, Dr. Jonas Fay, Doct. Reuben Jones, Capt. Ira Allen, Colo Thomas Chittenden, Colo Benjamin Carpenter and Colo James Rogers be a Committee to form a plan for future proceedings and report to this Convention as soon as may be.

9th. *Voted*, To adjourn this meeting till half past 1 o'clock in the afternoon, at this place.

Meeting opened at time and place.

REPORT (AS OPINION) OF A SUB-COMMITTEE.

A Covenant or Compact ought to be entered into by the Members of this Convention for themselves and their Constituents, to be governed and regulated by such rules as may be agreed on by the majority, (viz.):

To regulate the Militia; To furnish troops according to our ability, for the defence of the Liberties of the United States of America.

To return the numbers of the inhabitants on this District to the Continental Congress, and at all times to be governed by their Councils.

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General Assembly for a restoration of the property of his father, and all that had not then been sold was restored to him.—*Thompson's Vermont*, part III, p. 103; *Eastern Vermont*, pp. 206, 244, 250, 764, 765, 770.

[1] This probably refers to the resolution of Jan. 17, recommending the inhabitants in the New Hampshire Grants to sign the "Association" or pledge to defend the United American States, which had been signed by members of the Convention. The amendment, made by the above vote, seems to have been made in the record of the original resolution.

A number of men to be elected to wait on the Hon^ble^ Continental Congress with such Petitions as shall be agreed on by this Convention.

To make suitable provisions that the whole of the inhabitants on S^d^ N. Hampshire Grants on each side of the Green Mountains be notified and have proper opportunity to join and coincide with the measures taken and to be hereafter taken for the benefit of forming S^d^ district into a separate State.

As the troublesome and aged conflict existing between the State of New York and that District of Land commonly called and known by the name of the New-Hampshire Grants relative to the title of lands on S^d^ district has not yet subsided,

We do therefore vote that any Law, or Laws, Direction or Directions we may (for the time being) receive from S^d^ State of N. York will not in future be accepted neither shall we hold ourselves bound by them.

Some measures to be entered into for the better securing the Tories in S^d^ District.

That the Militia officers on each side the Mountains continue in their stations and after executing the orders to them heretofore received from the State of New York, to be under the direction of this Convention.

The foregoing propositions are humbly submitted to the Members of the General Convention now assembled at Dorset.

pr. BENJ'A CARPENTER, *Chairman Committee.*

10^th^. *Voted*, To accept the above report of the Sub Committee.[1]

11^th^. *Voted*, To adjourn this meeting until half past one o'clock in the afternoon at this place.

THURSDAY, Half after 1 o'clock in the afternoon.

Meeting opened.

12^th^. *Voted*, That a Covenant or Compact be made and subscribed by the Members of this Convention for themselves and Constituents for the security of their Common Liberties and Properties in conjunction with the Free and Independent States of America.

13^th^. *Voted*, That Doct. Jonas Fay, Col^o^ Moses Robinson, Col^o^ Wm. Marsh, Mr. Ebenezer Hoisington, Doct. Reuben Jones, Col^o^ Thomas Chittenden, and Doct. Obadiah Dunham be and are a Committee to form the said Covenant or Compact and report to the Convention as soon as may be.

14^th^. *Voted*, To adjourn this meeting until 8 o'clock to morrow morning.

FRIDAY, 27th September, 1776.

Opened the meeting at time and place.

## 15^th^.—THE COVENANT OR COMPACT.

At a General Convention consisting of fifty-six Delegates on the New-Hampshire Grants, on the east and west side of the range of Green Mountains, representing thirty-six towns on said Grants, held at Dorset the 25th day of September, 1776, by adjournment.

Whereas, this Convention have for a series of years had under their particular considerations the disingenuous conduct of the former Colony (now the State of) New-York toward the inhabitants of that District of

[1] This deserves the title of the first constitution of Vermont, and the compliment of being the briefest ever adopted for so large a community.

Land commonly called and known by the name of the New-Hampshire Grants, and the several illegal, unjustifiable and unreasonable measures they have taken to deprive, by fraud, violence and oppression, those inhabitants of their property, and in particular their Landed interest; and as this Convention has reason to expect a continuance of the same kind of disingenuity, unless some measures effectually be taken to form the S^d^ District into a separate and distinct one from New York; and whereas it at present appears to this Convention that, for the foregoing reasons, together with the distance of road which lies between this District and New York, it will be very inconvenient for those inhabitants to associate or connect with them, for the time being, directly or indirectly:

Therefore, this Convention being fully convinced that it is necessary that every individual in the United States of America should exert themselves to their utmost abilities in the defence of the liberties thereof, and that this Convention may the better satisfy the Public of their punctual attachment to the S^d^ common cause, at present as well as heretofore, we do make and subscribe the following Covenant, viz:

We the subscribers inhabitants of that district of Lands commonly called and known by the name of the New-Hampshire Grants, being legally delegated and authorized to transact the public and political affairs of the aforesaid District of Lands, for ourselves and Constituents, do solemnly covenant and engage that, for the time being, we will strictly and religiously adhere to the several resolves of this or a future Convention Constituted on S^d^ district by the free voice of the Friends to American Liberties, that shall not be repugnant to the resolves of the hon^ble^ Continental Congress relative to the General Cause of America.

16^th.^ *Voted*, That Col^o^ Jacob Bailey, Capt. Abner Seeley, and Col^o^ Jacob Kent,[1] be a Joint Committee to exhibit the proceedings of this meeting to the inhabitants of the County of Gloucester, and request them to sign the Association left with them, at their County Convention held

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[1] This is the first notice of these gentlemen in connection with the new state. Gen. Bayley and Col. Kent were both of Newbury, and among its first officers. Both were officers under New York: Col. Kent as justice of the peace, assistant judge of inferior court of common pleas, and commissioner to take charge of the property of persons who had joined the enemy—the last appointment dated May 2, 1777. Col. Kent was the first representative of Newbury in the Vermont legislature, March 12, 1778. Gen. Bayley was a commissioner to administer oaths of office, judge of inferior court of common pleas, and justice of the peace; he was elected deputy for the session of the N. Y. Provincial Congress which commenced May 23, 1775, but did not take his seat; and appointed brigadier general of the militia of Cumberland and Gloucester counties, Aug. 1, 1776. He continued nominally under the jurisdiction of New York until June 14, 1777, when he addressed a letter to the New York Council of Safety, of which the following is an extract:

GENTLEMEN: I acknowledge the receipt of an ordinance from you for the election of governor, lieutenant governor and senators and representatives for the state of New York, by the hand of Mr. Wallace. The sheriff and committee [of safety] gave the proper orders, but I am apt to think our people will not choose any members to sit in the state

at Thetford the 13th day of August ultimo, and return the same by their delegate or Delegates chosen or to be chosen hereafter, to meet and join this Convention at their next sitting.[1]

17th. *Voted*, That it be and is hereby recommended to the several Chairmen of the several Committees of the several Towns on the west side of the Green Mountains on the N. Hampshire Grants, faithfully to see to it that the Association made at the last sitting of this Convention be forthwith signed by every individual male inhabitant of each Town, from 16 years old and upwards, and that for the future each person subscribe his own name or mark; and that the Association thus signed be returned to Doctr Jonas Fay, Clerk of this Convention, before the next sitting of this Convention; and if any refuse to sign the Association, to take their names and reasons why they will not subscribe to it.

18th. *Voted*, to adjourn this meeting one hour at this place.

FRIDAY, 2 o'clock.

The Meeting opened at time and place.

19th. *Voted*, That Colo Wm. Marsh and Capt. Ira Allen be a Committee to go into Cumberland and Gloucester Counties, to carry the proceedings of this Convention, and to assist in getting the Association (formd by this Convention) signed and collected [returned] to the Clerk of this Convention.

20th. *Voted*, That Doctr Jonas Fay, Doct. Reuben Jones and Colo Wm. Marsh be a Committee to draw a Remonstrance or Petition to send to the Continental Congress, and Report to this Convention as soon as may be.

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of New York. The people before they saw the constitution, were not willing to trouble themselves about a separation from the state of New York, but now almost to a man they are violent for it. * * * * *

I am, gentlemen, etc., JACOB BAYLEY.

To the Council of Safety, Kingston.

July 8, 1777, Gen. Bayley was appointed a member of the Vermont Council of Safety, and in March, 1778, he was elected Councillor. In September, 1777, the General was at Castleton on military service, and affixed to his name the initials of his title, "B. D. G.," which stands, it is presumed, for Brigadier General. If so, he continued very wisely to execute his duties as a New York officer, although he had been assigned to fill another important station for Vermont.—See *Eastern Vermont*, pp. 768–770; *Early History*, p. 249; *Vt. Hist. Mag.*, Vol. II., p. 936.

Abner Seeley was commissioned by New York as Captain in Maj. Hoisington's battalion of Rangers, Oct. 23, 1776, and he resigned Dec. 22 following. Feb. 10, 1778, the Vermont Council of Safety appointed him Captain in Col. Samuel Herrick's regiment, which was intended for an expedition to Canada under Gen. Lafayette.—See *Eastern Vermont*, p. 772; Proceedings of Cumberland and Gloucester *Committees of Safety*, Aug. 6, 1776: and of Vermont *Council of Safety*, Feb. 10 and 17, 1778.

[1] The purpose of the Convention at Thetford was to nominate the Gloucester quota of officers for the battalion of two hundred and fifty Rangers, authorized by New York, to be commanded by Maj. Joab Hoisington. Probably members of the Committee of the Dorset Convention were present on their business.

## REPORT OF THE ABOVE SUB-COMMITTEE.

The grounds of this Petition and Remonstrance, to be exhibited to the Grand Council of America, by the Convention, to contain the following, viz :

The several measures taken by the Colony or State of New York heretofore to monopolize the Landed interest of the inhabitants on the Grants to themselves : Circumstances in particular of the conduct of N. York on each side the Mountains to be particularly considered.

Distance from the Metropolis of any State, &c.

Persons to be appointed for making the Draught ; a Committee to be appointed for examining the Draught, with authority from this Convention to pass the same in the name of the whole of this Convention.

Persons to be appointed to exhibit the same properly delegated to the Hon^ble^ Board at the Continental Congress.

The above submitted to the consideration of the hon^ble^ Convention.

pr. WILLIAM MARSH, *Chairman Committee.*

21^st^. *Voted*, That the above report of the Sub-Committee be accepted.

22^d^. *Voted*, That Doct. Jonas Fay write an answer to Mr. John Wheelock.[1]

23^d^. *Voted*, That the Committee of Safety for the several towns on the District of the N. Hampshire Grants, be and are invested with the same authority as other Committees of Safety for other Towns in any of the Free States of America.

24^th^. *Voted*, That a sufficient Goal be built on the west side of the range of Green Mountains, at some place, that shall be hereafter agreed on, for securing Tories.

25^th^. *Voted*, That Nathan Clark, Esqr., Capt. Micah Veal, [Vail,] Lieut. Samuel Benton, Major Jeremiah Clark and Col. James Mead be a Committee to assign a place to erect a Goal as above, and provide some way to effect the same as soon as may be, and report to this Convention.

## REPORT (AS THE OPINION) OF THE ABOVE SUB-COMMITTEE.

It is hereby recommended to this Convention that a Goal be erected in the Township of Manchester ; twenty foot by thirty inside ; S^d^ Goal to be built with Logs and Earth ; S^d^ Goal to be erected a few rods east of the now dwelling-house of Lieut. Martin Powell in S^d^ Town, for the confinement of Tories, and other offenders that may be adjudged to be confined : S^d^ Goal to be built of a double wall of Logs, not less than twelve inches through, laid eighteen inches distance between S^d^ walls, the vacancy to be filled up with earth about 7 feet high, and then floored with Logs double, a good roof, and a strong wooden door, &c., &c.

And that some suitable person or persons be appointed to see the performance of the above strong hold ; and to be retaliated [compensated] therefor by this Convention, or as they in their great wisdom shall order.

By order of Committee, NATHAN CLARK, *Chairman.*

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[1] A few months later, "Maj. John Wheelock" was in the service of New York, distributing through eastern Vermont the resolutions of Congress of June 30, 1777, that the claim of Vermont to independence "could derive no countenance or justification from any act or resolution" of that body—for example, the resolution cited by Dr. Young.—See *Eastern Vermont*, p. 209.

26th. *Voted*, To accept the above report.

27th. *Voted*, That Lieut. Martin Powell, Mr. Gideon Ormsby, and Mr. Thomas Bull be a Committee to build a Gaol as above proposed.

28th. *Voted*, That Lieut. Martin Powell be Gaol Keeper.

29th. *Voted*, That Mr. Simeon Hathaway, Dr. Jonas Fay, Nathan Clark, Esq., Lieut. Joseph Bradley, Lieut. Martin Powell, Mr. Cephas Kent, Capt. Joseph Bowker, Capt. Joseph Woodward and Nehemiah How be a committee of War.[1]

30th. *Voted*, That the several Colonels on the west side of the range of Green Mountains issue their orders immediately to their several Captains under them to muster their companies, and to take the number of men gone in the service, and what service, and how many at home, and their arms, accoutrements and ammunition, and the Colonels to make their return to the Committee of War, and the Committee of War to this Convention.

31st. *Voted*, That the several Colonels give special orders to the Captains under them to raise their quotas of men to fill up the six companies of Rangers.

32d. *Voted*, That Nathan Clark, Esq , Doct. Obadiah Dunham and Mr. John Burnam be a Committee to affix fines on all delinquents in the Militia and make return to this Convention as soon as may be.

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[1] This is the first record of a Board of War in Western Vermont. The specific powers of this Board will be found in the report and thirty-fourth vote of the same day. The thirtieth vote shows that "several Colonels" and other officers had previously been appointed and the companies raised, and also that some were then in the service. This work had been done doubtless by the Committees of Safety. Warner had raised one regiment in 1775, under the approval of New York; in January, 1776, he raised another, which served through the Canada campaign; and under the resolution of Congress of July 5, 1776, (by which Warner was made Colonel and Samuel Safford Lieutenant Colonel,) he raised what is known as "Warner's Continental regiment."—See *Early History*, p. 221.

In Oct., 1776, three regiments from western Vermont joined Gates at Ticonderoga.—See *Early History*, pp. 217-223. Eastern Vermont furnished about the same number of militia. Nov. 21, 1775, there were two regiments of militia and one of minute men in Gloucester, Cumberland, and Charlotte counties, and in August, 1776, a battalion of two hundred and fifty rangers was organized—all under New York, in which state Charlotte county mainly was. Eastern Vermont also contributed to Warner's regiment in 1775, and to Bedell's of New Hampshire.—See *Eastern Vermont*, pp. 770-773. John Trumbull wrote that in October, 1776, when Gen. Gates was at Ticonderoga, "the whole number of our troops under arms on that day, (principally, however, militia,) exceeded thirteen thousand." Of these Vermont contributed probably about three thousand.—See Col. J. Trumbull's *Reminiscences of his own Times*, p. 36.

REPORT (AS THE OPINION) OF THE ABOVE COMMITTEE.

A Colonel refusing or neglecting to comply with any orders from this Convention to pay a fine of 33 dollars.

A Lieutenant Colonel refusing or neglecting to obey his commanding officer, 25 do.

| | | |
|---|---|---|
| Major, | 20 | do. |
| Captain, | 10 | do. |
| Lieutenant, Adjutant, Quarter Master & Ensign, | 7 | do each. |
| Sergeant and Clark, | 2 | do each. |
| Corporal, | 1½ | do. |
| Drum and Fife, | 1¼ | do. |
| Private, | 1 | do. |

If a soldier drafted in any particular service and absconding, shall be subject to pay a fine of twenty-five dollars, and an officer in proportion as above.

That the Committee of War have full power to hear any complaint against any Field officer for neglect of their duty and to proceed against them or either of them, to collect by warrant or execution from under their hands such fine or fines as is appointed by this Convention; in like manner the Field officers to try all the commissioned officers in their respective regiments for the time being, directed to some suitable person to collect the same; and in like manner two commissioned officers of each company to try all non-commissioned officers and privates; to award in the manner aforesaid; said fines to be used or applied to furnish those men in said companies that are not able to furnish themselves with arms and ammunition and accoutrements as required; and that each non-commissioned officer and private provide himself with a suitable gun and one pound of powder, four pounds of bullets fit for his gun, six flints, powder horn, cartouch box or bullet pouch, a sword, bayonet or tomahawk; and for want of a gun to pay a fine of two dollars on each time so required to appear under arms, and for want of each other accoutrement, the sum of half a dollar when required as aforesaid.

FINES FOR EACH DAY'S NEGLECT.

| | £ | s | d | | £ | s | d |
|---|---|---|---|---|---|---|---|
| A Colonel, | 1 | 16 | 0 | | | | |
| Lieut. Colonel, | 1 | 10 | 0 | Quartermaster, | 0 | 10 | 0 |
| Major, | 0 | 18 | 0 | Sergeant, | 0 | 8 | 0 |
| Captain, | 0 | 16 | 0 | Corporal, | 0 | 6 | 0 |
| Lieutenant, | 0 | 14 | 0 | Drum and Fife, | 0 | 4 | 0 |
| Adjutant & Ensign, each | 0 | 12 | 0 | Private, | 0 | 3 | 6 |

By order of Committee,

NATHAN CLARK, *Chairman.*

33d. *Voted*, To accept of the above report.

34th. *Voted*, That the Committee of War be and are empowered to issue their warrants in the name and by the authority of this Convention, to the several Field officers of the Militia on the district of N. Hampshire Grants,[1] that on any sufficient notice received from the General or Commander in Chief of any of the armies of the United States of America, the Honorable Continental Congress, or on any sudden emergency that shall be judged by sd Committee of War to be for the

[1] This seems to have given jurisdiction over the whole territory, east and west of the mountains.

immediate safety of the Grants, requesting the assistance of the Militia, and march immediately to the relief of such part of the Continent as they may be required to. And in case any person legally notified justly belonging to any or either the Companies of the Militia on s$^{d}$ District shall refuse on such notifications to attend and perform the duty enjoined on him or them by the officers of the Regiment to which he or they do or may belong, that they be fined unless sufficient excuse be rendered to the Committee of War.

35$^{th.}$ *Voted*, That Doct. Reuben Jones and Lieut. Leonard Spaulding wait and take the proceedings of this Convention and deliver to their Constituents.

36$^{th.}$ *Voted*, That Doct. Jonas Fay, Capt. Samuel Wright, Major Jeremiah Clark, Col$^{o}$ Timothy Brownson, Col$^{o}$ William Marsh, Capt. Joseph Bowker, Col$^{o}$ Thomas Chittenden, Capt. Heman Allen, Capt. William Fitch, Capt. Micah Veal, [Vail,] Lieut. Samuel Benton, and Capt. Ira Allen, be a Committee to attend this Convention at its next sitting.[1] And it is recommended for each Town to send one more Delegate.

37$^{th.}$ *Voted*, That Doct. Jonas Fay, Col$^{o}$ William Marsh and Doct. Reuben Jones be a Committee to draw a Petition to send to the Hon$^{ble}$ Continental Congress ; and report to a Committee to be appointed to examine the same.

38$^{th.}$ *Voted*, That Nathan Clark, Esq., Col. Seth Warner, Captain Heman Allen be a Committee to examine the aforesaid Petition.

39$^{th.}$ *Voted*, To adjourn to 8 o'clock to-morrow morning at this place.

SATURDAY MORNING 8 o'clock, Sept. 28th, 1776.

The Meeting opened at time and place.

40$^{th.}$ *Voted*, To refer the examination of the Petition to the Continental Congress till our next meeting ; then to fill up the Committee for that purpose.

41$^{st.}$ *Voted*, That four men be appointed as delegates to go to the Continental Congress with a Petition or such directions as this Convention shall give them.

42$^{d.}$ *Voted*, That Doct. Jonas Fay, Col$^{o}$ Thomas Chittenden, in conjunction with two more to be appointed, be a Committee for that purpose.

43$^{d.}$ *Voted*, That Col$^{o}$ Seth Warner, Capt. Heman Allen, Capt. Gideon Brownson, Mr. Ebenezer Hoisington, Capt. Abner Seeley, and Doct. Jonas Fay be a Committee to prepare a Citation to send to the State of New-York to know if they have any objection against our being a Separate State from them : and make report as soon as may be.[2]

44$^{th.}$ *Voted*, That as it appears that the Town of Arlington are principally Tories, yet the Friends of Liberty are ordered to warn a Meeting and choose a Committee of Safety and conduct as other Towns ; if they meet with opposition to make application to the Committees of Safety of the neighboring Towns for assistance.

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[1] The number is twelve, and its office was advisory, and to prepare business. It was the initiation of the body styled in the Constitution the "Council." It will be observed that, in the report of the committee at the next session, the body of delegates elected was styled "the House."

[2] See similar vote of Oct. 30, 1776.

45th. *Voted*, That no person be admitted to act in choosing Committees of Safety but those that sign the Association from this Convention and acknowledge the authority of the Committees of Safety.

46th. *Voted*, Colo Benja Carpenter of Guilford do notify Guilford, Hinsdale and Halifax. Capt. Francis Whitmore of Marlborough notify Draper, Cumberland, Marlborough and Brattleborough. Lieut. Leonard Spaulding of Dummerston and Capt. Samuel Fletcher notify Townshend, Putney, New-Fane and Dummerston. Mr. Ebenezer Hoisington of Windsor notify Windsor, Hertford, Woodstock, Hartford and Pomfret. Nathl Robinson, Esq., of Westminster, notify Westminster and Weathersfield. Doct. Reuben Jones of Rockingham notify Rockingham and Springfield. Mr. Edward Aiken of Kent notify Kent and Chester.[1]

47th. *Voted* to adjourn this Convention to Wednesday, the 30th Octr next, to be held at the Court house in Westminster, at 10 o'clock in the forenoon.

JOSEPH BOWKER, *Chairman.*

Attest JONAS FAY, *Clerk.*
A true copy from the original.

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## ADJOURNED SESSION AT WESTMINSTER,

### OCTOBER 30, 1776.

[From the manuscript copy of the Hon. JAMES H. PHELPS, published in Vt. Hist. Soc. Collections, Vol. I.]

NEW HAMPSHIRE GRANTS, } Convention
WESTMINSTER COURT HOUSE, *October 30th*, 1776. } opened according to adjournment.

PRESENT THE FOLLOWING MEMBERS.

| | | | |
|---|---|---|---|
| *Bennington*, | Nathan Clark, Esq. | *Rockingham*, | Doctr. Reuben Jones. |
| *Manchester*, | Colo. Wm. Marsh. | *Dummerston*, | Lieut. Leonard Spalding, Mr. Joseph Hildreth. |
| *Pollet*, | Capt. Wm. Fitch. | *Westminster*, | Mr. Joshua Webb, Nath'l Robinson, Esq. |
| *Rutland*, | Capt. Joseph Bowker. | *Bromley* [or *Peru.*] | Capt. William Utley. |
| *Colchester*, | Capt. Ira Allen. | *Townshend*, | Capt. Sam'l Fletcher. |
| *Marlborough*, | Capt. Francis Whitmore. | *Putney*, | Dennis Lockland. |
| *Windsor*, | Mr. Ebenezer Hoisington. | *Chester*, | Colo Thomas Chandler. |
| *Kent*, [or *Londonderry*,] | Mr. Edward Aiken. | | |

[1] On the preceding day provision had been made for notifying Gloucester county. This provided for notice to the towns in Cumberland county.

1st. *Voted*, Capt. Ira Allen, Clerk.

2d. *Voted*, That Nathaniel Robinson, Esq., Mr. Solomon Phelps, and Colo William Marsh be a Committee to go to the Clerk of the County Committee of Safety for this county and get the records of sd Committee concerning sending Delegates to the Convention of the State of New York.

3d. *Voted*, That Mr. Ebenezer Hoisington, Mr. Joshua Webb, Capt. Ira Allen, Capt. William Fitch and Doct. Reuben Jones be a Committee to draw a plan for further proceedings of this Convention; and make a report as soon as may be.

4th. *Voted*, To adjourn this Convention till 8 o'clock to morrow morning, to be held at this place.

THURSDAY MORNING, 8 o'clock.

Meeting opened according to adjournment.

5th. *Voted*, To adjourn this meeting one hour at this place.

Meeting opened according to adjournment.

6th. *Voted*, That Doctr Reuben Jones and Colo William Marsh be a Committee to invite Capt. Clay and Doctr Day to sit with this Convention as spectators. [1]

7th. *Voted*, To adjourn this Convention till 8 o'clock to morrow morning, at this place.

FRIDAY MORNING, 8 o'clock.

Meeting opened according to adjournment.

## REPORT OF THE COMMITTEE OF PROCEEDINGS.

It is the opinion of this Committee that, by the reasons of the incursions of the Enemy,[2] and that the Militia of this State have lately been called, and are now going to the relief of their distressed Brethren at Ticonderoga, and the Northern frontiers of this State, and that several of the Members of this Convention are more immediately called on to the relief of their families, &c., which has so far taken up our attention, and the attention of the People at large, that we have not collected the full sentiments of the People.

It is not proper, therefore, to proceed to complete the Petition to the Honble the Grand Council of the United States of America, or to fill up the Committee for the purpose of delivering Sd Petition.

That an answer be made to a Pamphlet dated the 2d October, 1776, and sent from the Honble the Provincial Congress of the State of New-York to the County of Cumberland, and with Sd answer a Pamphlet setting forth the advantages that would arise to the people at large on the district of the New-Hampshire Grants, by forming into a separate State, be wrote, printed and communicated to the inhabitants as soon as may be.[3]

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[1] Capt. James Clay was chairman, and Doct. Elkanah Day a member of the Cumberland County Committee of Safety.

[2] Referring to the destruction by the British of the American naval force on Lake Champlain, and the then expected attack on Ticonderoga by Gen. Carleton. HILAND HALL suggests that the alarm prevailing on account of that invasion prevented this Convention from declaring a separation from New York.—*Vt. Hist. Soc. Collections*, vol. I, p. 34.

[3] See *Appendix B*.

That a Manifesto be put in the public newspapers setting forth the reasons, in easy terms, why we choose not to connect with New-York.[1]

The aforesaid report is humbly presented to the House by

Order of the Committee.

WM. FITCH, *Chairman.*

8th. *Voted*, To accept the above report.

9th. *Voted*, That a petition be drawn to send to the Honble Provincial Congress of the State of New-York, requesting their approbation for the district of the New-Hampshire Grants to form themselves into a State separate from N. York.

10th. *Voted*, That Colo William Marsh, Capt Ira Allen and Mr. Solomon Phelps be a Committee to make the above writings.[2]

11th. *Voted*, That Major Abijah Lovejoy, Colo Wm. Marsh, Capt. Ira Allen, Colo Jacob Bailey, Mr. Solomon Phelps, Major Joseph Tyler, Colo Benjamin Carpenter, Mr. Benjamin Emmons, Mr. Elijah Olcott, Doct. Reuben Jones, and Mr. Daniel Jewett be a Committee to go through Cumberland and Gloucester Counties to carry the proceedings of this Convention and to complete getting the associations formed by this Convention signed and collected to the Clerk of this Convention at their next sitting.

12th. *Voted*, That it be and it is hereby recommended to each Member of this Convention to assist the above Committee as much as in them lies.

13th. *Voted*, That Doct. Jonas Fay be added to the Committee to make the above Petition.

14th. *Voted*, That Solomon Phelps write a letter to Colo Jacob Bailey, desiring him to assist the above Committee.

15th. *Voted*, To adjourn this Convention to the third Wednesday of January next at 10 o'clock in the Morning, to be held at this place.

JOSEPH BOWKER, *Chairman.*

Attest, IRA ALLEN, *Clerk.*

A true copy from the original.

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## ADJOURNED SESSION AT WESTMINSTER,

### JANUARY 15, 1777.

[The following journal, which ends with the words "11th. *Voted*, N. C. D., to accept the above report," is found in *Slade's State Papers*, page 68 to 70. The residue of the journal is from the manuscript of the Hon. JAMES H. PHELPS, as published in Vermont Historical Society Collections, Vol. I.]

N. HAMPSHIRE GRANTS, } Convention opened
WESTMINSTER COURT HOUSE, *January* 15*th*, 1777. } according to adjournment. Present the following Members:

Capt. JOSEPH BOWKER in the Chair.

1st. *Voted*, Doct. REUBEN JONES, *Clerk, P. Tempore.*

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[1] See *Appendix C.*

[2] This petition to New York, if prepared, seems never to have been sent. See similar vote of Sept. 25, 1776—the 43d vote.

| | |
|---|---|
| *Bennington*, | Nathan Clark, Esq., Capt. John Burnham, Mr. Nathan Clark, Jun. |
| *Manchester*, | Lieut. Martin Powell. |
| *Castleton*, | Capt John Hall. |
| *Williston*, | Col. Thomas Chittenden. |
| *Colchester*, | Capt. Ira Allen. |
| *Rutland*, | Capt. Joseph Bowker, Capt. Heman Allen. |
| *Dummerston*, | Lt. Leonard Spaulding. |
| *Putney*, | Lt. Dennis Lockland. |
| *Westminster*, | Nathan'l Robinson, Esq., Mr. Joshua Webb. |
| *Townshend*, | Capt. Saml. Fletcher. |
| *Chester*, | Col. Thomas Chandler. |
| *Rockingham*, | Dr. Reuben Jones, Lieut. Moses Wright. |
| *Windsor*, | Mr. Eben. Hosington.[1] |
| *Hartford*, | Mr. Stephen Tilden. |
| *Woodstock*, | Mr. Benjamin Emmons. |
| *Norwich* | Maj. Thomas Moredock, Mr. Jacob Burton. |
| *Pomfret*, | By a letter from said town voting for a new state. |
| *Barnard*, | By ditto and ditto. |
| *Royalton*, | By ditto and ditto. |

2d. *Voted*, To adjourn this convention to eight o'clock to morrow morning at this place.

THURSDAY, eight o'clock.

Convention opened according to adjournment.

Major Joseph Williams and lieutenant Nathaniel Seeley from Pownal took their seats.

3d. *Voted*, That Dr. Reuben Jones be an assistant clerk to Capt Ira Allen, he at this time being present.

4th. *Voted*, That Lieut. Leonard Spaulding, Mr. Ebenezer Hosington[1] and Major Thomas Moredock be a committee to examine into the numbers that have voted for the district of the New Hampshire Grants to be a separate state from New York, and how many are known to be against it, and make report to this convention as soon as may be.

## REPORT OF SAID COMMITTEE.

"We find by examination that more than three-fourths of the people in Cumberland and Gloucester counties, that have acted, are for a new state; the rest we view as neuters.

By order of the convention,

EBENEZER HOSINGTON,[1] *Chairman.*"

5th. *Voted*, To adjourn this convention one hour, at this place.

Convention opened at time and place.

6th. *Voted, N. C. D.*, That the district of land commonly called and known by the name of New-Hampshire Grants, be a new and separate state; and for the future conduct themselves as such.

7th. *Voted*, That Nathan Clark, Esq., Mr. Ebenezer Hosington, Capt. John Burnham, Mr. Jacob Burton, and Col. Thomas Chittenden, be a committee to prepare a draught for a declaration, for a new and separate state; and report to this convention as soon as may be.

8th. *Voted*, That Capt. Ira Allen, Col. Thomas Chandler, Doctor Reuben Jones, Mr. Stephen Tilden, and Mr. Nathan Clark, jun., be a com-

[1] This name is given as in the copy. The true name is *Hoisington*, of which name there were two persons at this period, Ebenezer and Major Joab.

mittee to draw a plan for further proceedings ; and report to this convention as soon as may be.

9th. *Voted*, to adjourn this meeting to eight o'clock to-morrow morning at this place.

Friday morning, convention opened according to adjournment. The committee appointed to bring in a draught of a declaration, setting forth the right the inhabitants of that district of land, commonly called and known by the name of the New Hampshire Grants, have, to form themselves into a state or independent government, do make the following report to the honorable convention convened at Westminster, January 15th, A. D. 1777, viz.

*To the hon^ble convention of representatives from the several towns on the west and east side of the range of Green Mountains, within the New Hampshire Grants, in convention assembled :*

Your committee, to whom was referred the form of a declaration setting forth the right the inhabitants of said New Hampshire Grants have, to form themselves into a separate and independent state, or government, beg leave to report viz.:

RIGHT 1. That whenever protection is withheld, no allegiance is due, or can of right be demanded.

2d. That whenever the lives and properties of a part of a community have been manifestly aimed at by either the legislative or executive authority of such community, necessity requires a separation. Your committee are of opinion that the foregoing has, for many years past, been the conduct of the monopolizing land traders of the colony of NewYork; and that they have been not only countenanced, but encouraged, by both the legislative and executive authorities of the said state or colony. Many overt acts, in evidence of this truth, are so fresh in the minds of the members, that it would be needless to name them.

And whereas the Congress of the several states did, in said Congress, on the fifteenth day of May, A. D. 1776, in a similar case, pass the following resolution, viz. "*Resolved*, That it be recommended to the respective assemblies and conventions of the United Colonies, where no government sufficient to the exigencies of their affairs hath been hitherto established, to adopt such government, as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular, and America in general,"[1]—Your com-

[1] JOHN ADAMS originated this resolution for the purpose of suppressing governments under the crown in the then United Colonies. It was a practical assertion of independence, of which the act of July 4, 1776, was the formal declaration. It was adopted by Congress on the 10th of May, when Messrs. JOHN ADAMS, RUTLEDGE, and RICHARD HENRY LEE were appointed a committee to prepare a preamble. This committee reported the following, May 15, 1776 :

Whereas his Britannic majesty, in conjunction with the lords and commons of Great-Britain, has, by a late act of parliament, excluded the inhabitants of these United Colonies from the protection of the crown ; and whereas, no answer, whatever, to the humble petitions of the colonies for redress of grievances and reconciliation with Great-Britain, has been or is likely to be given, but, the whole force of that kingdom, aided by foreign mercenaries, is to be exerted for the destruction of the good people of these colonies; and whereas, it appears absolutely irrec-

mittee, having duly deliberated on the continued conduct of the authority of New York, before recited, and on the equitableness on which the aforesaid resolution of Congress was founded, and considering that a just right exists in this people to adopt measures for their own security, not only to enable them to secure their rights against the usurpations of Great-Britain, but also against that of New York, and the several other governments claiming jurisdiction of this territory, do offer the following declaration, viz.:

This Convention, whose members are duly chosen by the free voice of their constituents in the several towns, on the New-Hampshire Grants, in public meeting assembled, in our own names, and in behalf of our constituents, do hereby proclaim and publicly declare that the district of territory comprehending and usually known by the name and description of the New Hampshire Grants, of right ought to be, and is hereby declared forever hereafter to be considered as a separate, free and independent jurisdiction or state; by the name, and forever hereafter to be called, known and distinguished by the name of NEW CONNECTICUT; [ [1] ] and that the inhabitants that at present are, or that hereafter

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oncilable to reason and good conscience, for the people of these colonies now to take the oaths and affirmations necessary for the support of any government under the crown of Great-Britain, and it is necessary that the exercise of every kind of authority under the said crown should be totally suppressed, and all the powers of government exerted, under the authority of the people of the colonies, for the preservation of internal peace, virtue and good order, as well as for the defence of their lives, liberties and properties, against the hostile invasions and cruel depredations of their enemies; therefore, resolved, &c.

This was adopted, and the resolution having thus been completed, the preamble and resolution were ordered to be published—doubtless of the date of May 15, 1776, as in the text.—Bancroft's *History of the U. S.*, vol. VIII, p. 367; *Journals of Congress*, [1776,] vol. II, pp. 158, 166.

[1] Here, in the copy in *Slade's State Papers*, the words *alias Vermont* are inserted; but that they could not have been in the original declaration appears from the subsequent use of the name New Connecticut alone, and from the proceedings in the convention of the 4th of June following, when the name was changed to Vermont.—I. Allen's *Vermont*, in *Vt. Hist. Soc. Coll.*, vol. I, p. 375; *Early History*, pp. 239, 497; *Vt. Hist. Soc. Coll.*, vol. II, pp. xix—xxii.

In the page of I. ALLEN'S history cited, Col. ALLEN professed to quote substantially the language of the above declaration, and did *not* include the words "*alias Vermont.*" In p. 239 of the *Early History*, Gov. HALL quoted the same declaration in the same way; and in pages 497 and following he gave five reasons for rejecting the *alias*, among which are these, to wit: the very great improbability, not to say absurdity, of supposing that two names would be given to a state; the fact that in the residue of the Journal of the January Convention of 1777, not found in Slade's *State Papers*, the State of "New Connecticut" is twice named without an *alias;* that in the supplementary declaration of June 4, 1777, published in the *Connecticut Courant* of June 30, the language used utterly precludes the idea of an *alias*, inasmuch as the first section of the

may become resident, either by procreation or emigration, within said territory, shall be entitled to the same privileges, immunities and enfranchisements as are allowed ; and on such condition, and in the same manner, as the present inhabitants in future shall or may enjoy ; which

preamble quotes the original declaration of the name as being "New Connecticut" without an *alias;* the third section explains the reason of the change of the name; and the resolution pendent declares "that the said district shall *now hereafter* be called and known by the name of VERMONT."

In the second volume of the *Historical Society Collections*, pp. xix—xxi, Gov. HALL reiterated his views and added other quotations in detail, making three strong points: first, that after adopting the original declaration, Jan. 15, 1777, the Convention "Voted, That the Declaration of NEW CONNECTICUT be inserted in the News Papers," and appointed a committee to prepare an official declaration for the press, which was done, and it was published in the *Connecticut Courant* of March 17, 1777. This declaration concluded in these words: "The said state hereafter to be called by the name of NEW CONNECTICUT." Second, that IRA ALLEN, more than twenty years after the original declaration and the change of the name of the State had been made, in his *History of Vermont* (*Vt. Hist. Soc. Collections*, vol. I, p. 375,) quoted the original declaration as giving the name of NEW CONNECTICUT without an *alias*; and third, that in the same volume, (page 379) Mr. ALLEN stated in a note that Dr. THOMAS YOUNG of Philadelphia gave the name VERMONT, subsequent to January 1777, as an "emblematical one, from the French of *Verd-mont*, green mountains, &c.," and in the text stated that "Fay, Chittenden, Allen, and Jones, returned from Congress, without the decision of that body upon their petition [of Jan. 15, 1777,] in behalf of the inhabitants, and brought with them Dr. YOUNG's letter, printed and published at Philadelphia, addressed to the inhabitants of *Vermont.*"

This letter, said ALLEN, (*Vt. Hist. Coll.*, vol I, p. 382) was distributed through the State, with a pamphlet of his own, soon after the return of the Commissioners from Congress, and "measures were taken to convene a convention at Windsor in June, 1777." This Convention, June 4, 1777, changed the name of the State from "New Connecticut" to VERMONT, in accordance with Dr. YOUNG's suggestion. "Vermont," then, had never been thought of by the Convention in January, 1777.—See *Appendix*, F.

While the proof sheets of these pages were in hand, the following newly discovered evidence was communicated to the editor by Gov. HALL. It will be observed that the first three documents were all dated previous to the change of the name of the State, June 4, 1777, and of course when it would be known, if so originally declared, as well by its *alias* as by "New Connecticut."

The first is the record of a town meeting in Chester, Feb. 10–13, 1777.

are, and forever shall be considered, to be such privileges and immunities to the free citizens and denizens as are, or, at any time hereafter, may be allowed to any such inhabitants of any of the free and indepen-

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*Febr.* 1777.

At a Town Meeting Regularly warned and held in Chester (by the Desire of one Nathan Clark Esqr Chairman of a Convention held at Dorset 30th of January 1777 as pr said Desire on file may appear) on the Tenth Day of February 1777[1] Mr William Atwood chosen Moderator and a Funeral prevented a full Meeting, the Inhabitants present thought proper to adjourn ye meeting to ye Next Day being Febry 11th one O Clock in ye Afternoon, the meeting was accordingly adjourned to meet at ye Dwelling house of Mr Jonathan Tarbel Meet according to adiournment, but the inhabitants that went to ye Funeral not knowing when ye meeting was to, it was Voted that ye meeting be adjourned to the Thirteenth of said February and to meet at said place at One of ye Clock afternoon and that the Inhabitants present be Desired to Inform the Inhabitants not present It was accordingly adjourned Meet according To adjournment the Moderator not being present Thos Chandler Esqr was chosen Moderator in his Room it being a full meeting and after a long Debate, Voted to Send One Delegate as Desired, the Votes being given in & Sorted Lieut Jabez Sargeant was chosen by a great majority Voted that said Sargeant act at said Convention Discretionery for the good of the state of NEW CONNECTICUT and for the Town of Chester according to the Best of his understanding

Voted that this meeting be Dissolved and it was accordingly Desolved.

Test, THOS CHANDLER *Clerk.*

The foregoing is a true copy of an old Record appearing in Chester "First Book of Records," on pages 56 and 57, as near as I am able to give it.

Attest, NORMAN A. SMITH, *Town Clerk.*

*Chester, Dec.* 10, '72.

*Gen. Jacob Bayley to the New York Council of Safety.*

In a letter dated Newbury, Feby. 19, 1777, Gen. Bayley spoke of the proposed state of "NEW CONNECTICUT."—*Calendar of N. Y. Revolutionary Manuscripts*, vol. 2, p. 150.

*Extract from a Statement of Facts drawn up by* CHARLES PHELPS *of Marlboro'.*

"That on or about the 15 day of January 1777, a number of people from sundry parts of said New Hampshire Grants, calling themselves New Staters, or people in favor of a new State, met at Westminster in the aforesaid County of Cumberland and State of New York, and declared said District and the people inhabiting thereon to be a new State by the name of NEW CONNECTICUT.

That all those who so met at Westminster aforesaid, and all the people whom they pretended to represent, as well as all those who, by the advice of Doct. Thomas Young, afterwards held a convention at Windsor in June, or at any other time during that year, and formed and established a Constitution or plan of government for what, by his advice also, they called VERMONT—i. e., the people of the Green Mountains—did not amount to one-hundredth part of the inhabitants of New York

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[1] This "Convention" was probably a meeting of a committee.

dent states of America; And that such privileges and immunities shall be regulated in a bill of rights, and by a form of government, to be established at the next adjourned session of this convention.

10th. *Voted, N. C. D.*, to accept the above declaration.

"*To the honorable the chairman and gentlemen of the convention: your committee appointed to take into consideration what is further necessary to be transacted at the present convention, beg leave to report, viz.*

That proper information be given to the honorable Continental Congress of the United States of America, of the reasons why the New-

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State."—*Manuscript in possession of Hon.* JAMES H. PHELPS, *grandson of* CHARLES PHELPS.

Both of the letters, from which the following extracts are taken, were written after the name of "New Connecticut" had been changed to VERMONT, [June 4, 1777,] and more than five months after the pretended christening of "New Connecticut *alias* Vermont." The N. Y. delegates had seen and combatted the petition and declaration and commissioners of the new State in Congress, all ordained and appointed in January, 1777, and yet they had never heard of the *alias*. It is "passing strange," if there was an *alias*.

*Extract from a Letter from* JAMES DUANE, *and other N. Y. Delegates in Congress to the N. Y. Council of Safety, dated Philadelphia, 8 July, 1777.*

[Supposing the Council might not wish the decision of Congress in regard to "their revolted subjects published just at that time"—i. e. the resolutions of June 30, 1777,—they write:

"From these considerations, we shall refrain from communicating a single copy; but it must be remembered that Mr. ROGER SHERMAN, who is gone to the Eastward, was furnished with one, and there is too much reason to apprehend that he may forward it to his friends in NEW CONNECTICUT."—*Journals N. Y. Cong.*, vol. I, p. 999.

*Extract of a Letter from* JAMES DUANE *to N. Y. Council of Safety, dated Philadelphia, 10 July, 1777.*

[Says he has seen the *Connecticut Courant* of 30th June, 1777, and adds,]

"It contains a new and extraordinary declaration from a part of our State which is attempted to be wrested out of our jurisdiction and which is dubbed the STATE OF VERMONT, a name hatched for it in Philadelphia. It is evident the plan has been laid here under the direction of Doctor YOUNG, and too probably of some others of more consequence," &c.—*Journal Cong. N. Y.*, vol. 1, p. 1000.

It is obvious that opponents of Vermont residing in the State, and the New York delegates in Congress in 1777, understood this matter precisely as Gov. HALL has represented it in his history, and in the first and second volumes of the Collections of the Vermont Historical Society.

The editor now proposes to enlarge somewhat upon a suggestion made by Gov. HALL in the second volume of the *Historical Society Collections*,

Hampshire grants have been declared a free state, and pray the said Congress to grant said state a representation in Congress; and that agents be appointed to transfer the same to the said Congress, or the committee

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p. xx, that, after the change of the first name of the State, "the words *alias Vermont* were added by way of explanation that New Connecticut had become Vermont, and without the expectation that the added words would be treated as part of the original record." It is a curious fact,—and in this relation a very important one, as showing that the addition of "alias Vermont" to the record, after the name had been changed, was in accordance with the previous practice of the clerk—that on a former occasion the original record of the convention had been *altered* to correspond to an amendment subsequently made. July 24, 1776, the Dorset Convention adopted a resolution in respect to the Association for national defense, (*ante*, p. 23,) which was amended at the next session, Sept. 25, 1776, (*ante*, p. 28;) but instead of allowing the two votes to stand on the record, the last modifying the first and the record correcting itself, Dr. FAY, the Secretary, *changed the record of the first vote so as to embrace the amendment.* Moved by a like motive, the editor believes that Doct. FAY *changed* his copy of the record of the declaration of January 17, 1777, after the Convention of June 4, 1777, had changed the name of the State. It is a singular fact, if the *alias* really existed for five months, that there is no evidence that it was ever published as a part of the doings of the Convention until the History of Vermont by Dr. WILLIAMS appeared in 1794; while again and again, in the *Connecticut Courant*, which was the official organ of Vermont until 1783, and in letters of our own citizens and of citizens of New York, the State was uniformly named as New Connecticut, without an *alias*. If, then, the change suggested was made by Doct. FAY, and that became public, from that moment of course the *alias* would begin to appear publicly, and thus would be perpetuated to the annoyance of all men of good taste, and to the plague of historians. This is precisely what has happened. Doct. FAY did not keep the *original minutes or record* of the Convention of Jan. 1777, because, according to the certificate of JOSEPH FAY, (*post*,) the minutes, both of the Conventions and of the early sessions of the Council of Safety, were in the possession of IRA ALLEN. It is known, however, that Doct. FAY did have what purported to be *a copy* of minutes of Conventions, in part of an old account book in which he had made professional charges. This was once in the possession of Hon. JAMES H. PHELPS, and from it were copied some of the very valuable contributions he has made to the history of the Conventions. In *Williams's Vermont*, vol. II, pp. 450–453, will be found the proceedings, *in part*, of the Convention of Jan. 15, 1777, precisely as in Slade's *State Papers*, pp. 68–70, including the error as to the representation of Dummerston and Putney; and at the end of it Doct. WILLIAMS added: "*Original records of the Convention*, p. 62–68; *in the hands of Jonas Fay of Bennington.*"

be filled up that are already appointed, and that a committee be appointed to draw the draught: That a committee of war be appointed on the east side of the mountains, to be in conjunction with the committee of war on the west side of the mountains, to act on all proper occasions: That some suitable measures be taken to govern our internal policy for the time being, until more suitable measures can be taken; that some suitable way be taken to raise a sum of money to defray the expences of the agents that are to go to Congress; and for printing the proceedings of the convention, which, we are of opinion, ought to be printed. All which is humbly submitted to the convention, by your committee.

By order of the Committee,

THOMAS CHANDLER, *Chairman.*"

11th. *Voted, N. C. D.*, to accept the above report.

12th. *Voted*, That the Declaration of New Connecticut be inserted in the News Papers.

13th. *Voted*, That Captain Heman Allen, Colo Thomas Chandler, and Nathan Clark, Esq., be a Committee to prepare the Declaration for the Press as soon as may be.

14th. *Voted*, That Doct. Jonas Fay, Colo Thomas Chittenden, Doct. Reuben Jones, Colo Jacob Bailey, and Capt. Heman Allen be the Delegates to carry the remonstrance and Petition to the Honble Continental Congress and further to negociate Business in behalf of New Connecticut.

[15th. There is no fifteenth vote in the record. Mr. PHELPS suggests that, probably through inattention, Dr. Fay did not designate any vote of this convention by the number 15.]

16th. *Voted*, That Major Thomas Chandler, Mr. Stephen Tilden, Mr. Ebenezer Hoisington, Mr. Joshua Webb, Lieut. Dennis Lockland, Mr. Jotham Biglow, Colo Thomas Johnson, Mr. Elijah Gates and Nicholas

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That this book was not the "original record" appears not only from JOSEPH FAY'S certificate, but also from the error, and the fact that the same book contained the list of delegates *only*, and not the proceedings, of the Convention of June 4, 1777.—See list of delegates. That Convention changed the name to VERMONT,, and as Doct. FAY seems not to have recorded that change, it is reasonable to suppose that he *memorized* it by adding the *alias* to the name previously adopted. Then in 1794 first appeared the *alias Vermont*, so far as the editor has been able to ascertain. Apparently it was stated on official authority, and yet it must be counted only as a memorandum made by Doct. FAY to commemorate the two names—that of January and that of June, 1777. IRA ALLEN'S History succeeded WILLIAMS'S, but ALLEN, who knew the facts, gave no countenance to the *alias*, but explained both names by a simple, logical, and accurate statement. SLADE followed WILLIAMS, and perpetuated the mistake; and B. H. HALL, HENRY B. DAWSON, and others, have followed in the train. It remained for HILAND HALL to correct the error, and he has done so effectually. To many readers this note will seem to be too prolix; but by those best informed it will be accepted and excused as a just vindication from a malicious sarcasm on "Vermont history as written by Vermonters."—See *N. Y. Historical Magazine*, for January, 1871, by HENRY B. DAWSON.

White, be a Committee of War to act in conjunction with the Committee of War already chosen. [1]

17th. *Voted*, That it is recommended to each town in Cumberland and Gloucester Counties to choose new Committees of Safety where the Towns are disaffected with the [existing] Committees; and in other Towns to let the Committees stand for the time Being.[2]

18th. *Voted*, That Capt. Heman Allen, Doct. Jonas Fay, Mr. Joshua Webb, and Major Thomas Moredock be a Committee to procure each one hundred dollars for to defray the expenses of the delegates that are appointed to go to the Continental Congress according to the report of the Committee of Proceedings.

19th. *Voted*, That Mr. Ebenezer Hoisington, Mr. Benja Emmonds, Lieut. Leonard Spaulding, and Mr. Stephen Tilden be a Committee to draw a letter forbidding the Delegates from Cumberland County sitting in the Honble Provincial Congress of the State of New York.

20th. *Voted*, That the Committee that are to make the above Draught are empowered to annex the Chairman's name by order of the Convention.

21st. *Voted*, That it is the ardent wish of this Convention that each Town in this State would send Delegates to the Convention at their next sitting. Those Towns that have not chose any to choose and send.

## LETTER AS PER NINETEENTH VOTE.

WESTMINSTER, 17th Jany, 1777.

*Gentlemen:*—The General Convention consisting of Delegates from the several Counties and Towns through the tract of Land known by the name of the New Hampshire Grants have met according to adjournment at Westminster the 16th. inst., and have resolved and declared the above District of Land shall hereafter be a distinct State or Government, and the Inhabitants thereof have full authority to make such laws as they shall from time to time think fit.

The said Convention therefore desire and request that you will on sight hereof withdraw yourselves from the Convention of the State of New York, and appear there no more in the character of Representatives for the County of Cumberland; as you were not chosen by a Majority of the people at large.

Gentlemen I am your most obedient
Humble Servant,
EBENEZER HOISINGTON, *Chairman Sub-Committee.*

Messrs. John Sessions and Simon Stephens.[3]

By order of Convention,
JOSEPH BOWKER, *Chairman.*

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[1] Referring to the Board of War appointed Sept. 27, 1776.

[2] Meaning doubtless Committees of Safety appointed under the advice of the Committee of Safety of New York.

[3] June 20, 1776, Col. Joseph Marsh, Deacon John Sessions, and Simon Stevens, Esq., were appointed "Representatives to go to New York," by the Cumberland County Committee of Safety, and not by the people. Sessions was returned again for the session of Aug. 18, 1779, with Elkanah Day and Micah Townshend; Joel Bigelow, Elijah Prouty, and William Shattuck were returned for the session of Jan. 21, 1784, which

22d. *Voted*, To adjourn this Convention to the first Wednesday of June next to be held at the Meeting-House in Windsor at nine o'clock in the forenoon.

By order of Convention,
JOSEPH BOWKER, *Chairman.*

Attest, IRA ALLEN, *Clerk.*
A true copy from the original.

## THE DECLARATION AND PETITION TO CONGRESS.

The following declaration and petition, in accordance with the resolutions of the convention of the 15th of January, announcing the territory of the New Hampshire Grants to be a free and independent State, was presented to the Continental Congress, by the Committee appointed for that purpose, on the 8th of April, 1777 :

*To the Honorable the Continental Congress :—*

The declaration and petition of that part of North America, situate south of Canada line, west of Connecticut river, north of the Massachusetts Bay, east of a twenty mile line from Hudson's river, containing about one hundred and forty-four townships, of the contents of six miles square, each, granted your petitioners by the authority of New Hampshire, besides several grants made by the authority of New York, and a quantity of vacant land, humbly sheweth,

That your petitioners, by virtue of several grants made them by the authority aforesaid, have, many years since, with their families, become actual settlers and inhabitants of said described premises ; by which it is now become a respectable frontier to three neighboring states, and is of great importance to our common barrier Tyconderoga ; as it has furnished the army there with much provisions, and can muster more than five thousand hardy soldiers capable of bearing arms in defence of American liberty :

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is the last representation of Cumberland County in New York. Col. Marsh seems to have retired in 1776 or early in 1777, as he was a member of the Windsor Convention in July, 1777, and in March 1778 was elected Lieut. Governor of Vermont. In 1783 Stevens was a representative in the Vermont Assembly; also a delegate in the Vermont Convention of 1791, which adopted the Constitution of the United States. To Mr. Stevens is probably due the preservation of what are now known as "the Pingrey Papers."—See *Eastern Vermont.*

Dea. Sessions represented Westminster in the Vermont Assembly in 1787. An anecdote recorded in *Graham's Letters* and *Eastern Vermont* illustrates the deacon's position. A member of parson Bullen's church in Westminster had shot a bear in his cornfield on Sunday, and for this, excommunication was voted. When the parson attempted to read this document in church, the accused, fully armed and equipped, rose to his feet and brought his musket to bear on the parson's person. This was too shocking for the nerves of the parson, who therefore handed the paper to deacon Sessions, asking him to read it. The deacon declined, saying—"All things are lawful unto me, but all things are not expedient." It was not expedient for the deacon to adhere to New York.

That shortly after your petitioners began their settlements, a party of land-jobbers, in the city and state of New York, began to claim the lands, and took measures to have them declared to be within that jurisdiction :

That on the 20th day of July, 1764, the king of Great-Britain did pass an order in council, extending the jurisdiction of New York government to Connecticut river, in consequence of a representation made by the late lieutenant governor Colden, that for the convenience of trade, and administration of justice, the inhabitants were desirous of being annexed to that state :

That on this alteration of jurisdiction, the said lieutenant governor Colden did grant several tracts of land in the above described limits, to certain persons living in the state of New York, which were, at that time, in the actual possession of your petitioners ; and under color of the lawful authority of that state, did proceed against your petitioners, as lawless intruders upon the crown lands in their province. This produced an application to the king of Great Britain from your petitioners, setting forth their claims under the government of New-Hampshire, and the disturbance and interruption they had suffered from said post claimants, under New-York. And on the 24th day of July, 1767, an order was passed at St. James's, prohibiting the governors of New-York, for the time being, from granting any part of the described premises, on pain of incurring his Majesty's highest displeasure. Nevertheless the same lieutenant governor Colden, governors Dunmore and Tryon, have, each and every of them, in their respective turns of administration, presumed to violate the said royal order, by making several grants of the prohibited premises, and countenancing an actual invasion of your petitioners, by force and arms, to drive them off from their possessions.

The violent proceedings, (with the solemn declaration of the supreme court of New-York, that the charters, conveyances, &c. of your petitioners' lands, were utterly null and void,) on which they were founded, reduced your petitioners to the disagreeable necessity of taking up arms, as the only means left for the security of their possessions. The consequence of this step was the passing twelve acts of outlawry, by the legislature of New-York, on the ninth day of March, 1774 ; which were not intended for the state in general, but only for the part of the counties of Albany and Charlotte, viz. such parts thereof as are covered by the New-Hampshire charters.

Your petitioners having had no representative in that assembly, when these acts were passed, they first came to the knowledge of them by public papers, in which they were inserted. By these, they were informed, that if three or more of them assembled together to oppose what said assembly called legal authority, that such as should be found assembled, to the number of three or more, should be adjudged felons : And that, in case they, or any of them, should not surrender himself or themselves to certain officers appointed for the purpose of securing them, after a warning of seventy days, that then it should be lawful for the respective judges of the supreme court of the province of New-York, to award execution of *Death*, the same as though he or they had been attainted before a proper court of judicatory. These laws were evidently calculated to intimidate your petitioners into a tame surrender of their rights, and such a state of vassalage, as would entail misery on their latest posterity.

It appears to your petitioners, that an infringement on their rights is still meditated by the state of New-York ; as we find that in their general convention at Harlem, the second day of August last, it was unanimously voted, " That all quit-rents, formerly due and owing to the crown of Great-

Britain within this state, are now due and owing to this convention, or such future government as may hereafter be established in this state."

By a submission to the claims of New-York your petitioners would be subjected to the payment of two shillings and sixpence sterling on every hundred acres annually ; which, compared with the quit-rents of Livingston's, Phillips's, and Ransalear's manors, and many other enormous tracts in the best situations in the state, would lay the most disproportionate share of the public expense on your petitioners, in all respects the least able to bear it.

The convention of New-York have now nearly completed a code of laws, for the future government of that state ; which, should they be attempted to be put in execution, will subject your petitioners to the fatal necessity of opposing them by every means in their power.

When the declaration of the honorable the Continental Congress, of the fourth of July last past, reached your petitioners, they communicated it throughout the whole of their district ; and being properly apprised of the proposed meeting, delegates from the several counties and towns in the district, described in the preamble to this petition, did meet at Westminster in said district, and after several adjournments, for the purpose of forming themselves, into a distinct and separate state, did make and publish a declaration, "that they would, at all times thereafter, consider themselves as a free and independent state, capable of regulating their own internal police, in all and every respect whatsoever ; and that the people, in the said described district, have the sole, exclusive right of governing themselves in such a manner and form as they, in their wisdom, should choose ; not repugnant to any resolves of the honorable the Continental Congress." And for the mutual support of each other in the maintenance of the freedom and independence of said district or separate state, the said delegates did jointly and severally pledge themselves to each other, by all the ties that are held sacred among men, and resolve and declare that they were at all times ready, in conjunction with their brethren of the United States, to contribute their full proportion towards maintaining the present just war against the fleets and armies of Great-Britain.

To convey this declaration and resolution to your honorable body, the grand representatives of the United States, were we (your more immediate petitioners) delegated by the united and unanimous voices of the representatives of the whole body of the settlers on the described premises, in whose name and behalf, we humbly pray, that the said declaration may be received, and the district described therein be ranked by your honors, among the free and American states, and delegates therefrom admitted to seats in the grand Continental Congress ; and your petitioners as in duty bound shall ever pray.

New Hampshire Grants, Westminster, Jan. 15th, 1777.

Signed by order, and in behalf of said inhabitants,

JONAS FAY,
THOMAS CHITTENDEN,
HEMAN ALLEN,
REUBEN JONES.

## THE REVISED DECLARATION OF INDEPENDENCE.

The following is the declaration of independence as "prepared for the press," by the committee appointed for that purpose in obedience to the 12th and 13th votes of the January Convention. It was published in the *Connecticut Courant* of March 17, 1777, and was not satisfactory to the

subsequent convention of the 4th of June, for the reason that it omitted to state the causes for the separation from New York, as will be seen by the proceedings of that body.

### Vermont's Declaration of Independence.

In Convention of the representatives from the several counties and towns of the New Hampshire Grants, holden at Westminster, January 15, 1777, by adjournment.

*Whereas* the Honorable the Continental Congress did, on the 4th day of July last, declare the United Colonies in America to be free and independent of the crown of Great Britain ; which declaration we most cordially acquiesce in : And whereas by the said declaration the arbitrary acts of the crown are null and void, in America, consequently the jurisdiction by said crown granted to New York government over the people of the New-Hampshire Grants is totally dissolved:

*We therefore*, the inhabitants, on said tract of land, are at present without law or government, and may be truly said to be in a state of nature ; consequently a right remains to the people of said Grants to form a government best suited to secure their property, well being and happiness. We the delegates from the several counties and towns on said tract of land, bounded as follows : South on the North line of Massachusetts Bay ; East on Connecticut river ; North on Canada line ; West as far as the New Hampshire Grants extends :

After several adjournments for the purpose of forming ourselves into a distinct separate state, being assembled at Westminster, do make and publish the following Declaration, viz. :

"That we will, at all times hereafter, consider ourselves as a free and independent state, capable of regulating our internal police, in all and every respect whatsoever—and that the people on said Grants have the sole and exclusive and inherent right of ruling and governing themselves in such manner and form as in their own wisdom they shall think proper, not inconsistent or repugnant to any resolve of the Honorable Continental Congress.

"*Furthermore*, we declare by all the ties which are held sacred among men, that we will firmly stand by and support one another in this our declaration of a state, and in endeavoring as much as in us lies, to suppress all unlawful routs and disturbances whatever. Also we will endeavor to secure to every individual his life, peace and property against all unlawful invaders of the same.

"*Lastly* we hereby declare, that we are at all times ready, in conjunction with our brethren in the United States of America, to do our full proportion in maintaining and supporting the just war against the tyrannical invasions of the ministerial fleets and armies, as well as any other foreign enemies, sent with express purpose to murder our fellow brethren, and with fire and sword to ravage our defenceless country.

"The said state hereafter to be called by the name of New Connecticut."[1]

Extract from the minutes. Ira Allen, *Clerk.*[2]

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[1] See note and references, *ante*, p. 41–46.

[2] B. H. Hall, in *Eastern Vermont*, p. 283, note, says :

The Convention, after sitting from the 15th to the 22d of January, adjourned to meet at Windsor on the first Wednesday in June following. There appears, however, to have been a meeting intermediate. A call was issued on the 30th of January by Nathan Clark, for a Convention at

# ADJOURNED SESSION AT WINDSOR,

## JUNE 4, 1777.

[From Vt. Hist. Soc. Collections, Vol. I.]

Of this Convention no full journal has been found, though the record of a portion of its proceedings has been preserved. It was held by adjournment from the convention of the preceding 15th of January. Only the following accounts of its proceedings (numbered one to five) have been obtained.

### I. Newspaper Notice for its Assembling.

In the *Connecticut Courant* of the 14th of April, 1777, the following notice appears:

In convention of the representatives from the several counties and towns in the New Hampshire Grants holden at Westminster, 15th January, 1777, by adjournment, voted unanimously—

"That it is the ardent wish of this convention that each town in the district would send a delegate or delegates to the next sitting of this convention, those towns that have not chosen any delegates to choose

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Dorset, and by the records of the town of Chester, it seems that Lieut. Jabez Sargeant was chosen on the 13th of February, to attend the special Convention, and act "for the good of the state of New Connecticut, and for the town of Chester, according to the best of his understanding." *Ms. Records of Chester.* Slade's *State Papers*, pp. 68–73.

The pages of the *State Papers* cited contain the proceedings of the Convention of Jan. 15, 1777. If any Convention met, as suggested, it is certain that its record has neither been preserved until this time nor referred to in preceding days. Mr. Hall does not state *when* the Convention called by Nathan Clark was to be held, but the place is Dorset, instead of Windsor. Otherwise the editor would suggest that possibly Mr. Clark's "call" was rather an urgent request for the appointment of delegates to the then forthcoming Windsor Convention of June 4. Jabez Sargeant *did* represent Chester in that Convention. Perhaps a meeting earlier than June had been contemplated for some special purpose, but was abandoned. The Warrant for the Convention of Jan. 16, 1776, shows that this happened more than once in 1775.

and send. This convention is adjourned to the first Wednesday of June next, to be held at the meeting-house Windsor, at nine o'clock in the morning."

Extract from the minutes.

IRA ALLEN, *Clerk.*

*** Nonresidents, that have a desire to attend the above convention, are hereby notified of the same. Said convention was formed to govern the internal police of said district, and if thought proper to form said district into a state.

## II. ORGANIZATION AND LIST OF MEMBERS.

[From the manuscript of the Hon. JAMES H. PHELPS, published in Vt. Hist. Soc. Coll. Vol. I.]

NEW HAMPSHIRE GRANTS (*alias*) NEW CONNECTICUT; WINDSOR, June 4th, 1777.

Convention opened according to adjournment.

PRESENT THE FOLLOWING MEMBERS.

Capt. JOSEPH BOWKER in the Chair.

1st. *Voted*, Lieut. Martin Powell, Assistant Clerk.

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| *Bennington*, | Nathan Clark, Esq., Mr. Simeon Hathaway, Capt. John Burnham, Doct. Jonas Fay. |
| *Shaftsbury*, | Major Jeremiah Clark, Mr. Gideon Olin. |
| *Arlington*, | Capt. Ebenezer Willough-by, Mr. Abel Benedict. |
| *Sunderland*, | Lieut. Joseph Bradley, Mr. Eli Bronson. |
| *Manchester*, | Mr. Thomas Bull, Lieut. Martin Powell. |
| *Dorset*, | Mr. Cephas Kent. |
| *Rupert*, | Doct. Gaius Smith, Mr. Moses Robinson. |
| *Pawlet*, | Capt. William Fitch, Capt. Jonathan Willard. |
| *Wells*, | Mr. Caleb Smith. |
| *Poultney*, | Capt. Zebediah Dewey. |
| *Castleton*, | By a letter from sd Town acquiescing in forming a New State. |
| *Hubbardton*, | Mr. Jesse Churchill. |
| *Danby*, | Capt. William Gage. |
| *Tinmouth*, | Capt. Ebenezer Allen. |
| *Clarendon*, | Benja Spencer, Whitefield Foot, (Major Part.) Joseph Smith, Stephen Place, (Minor Part.) |
| *Rutland*, | Lt. John Southerland, Capt. Joseph Bowker. |
| *Pittsford*, | Capt. Jonth Fassett. |
| *Neshobee*, [or *Brandon*] | Capt. Josiah Powers. |
| *Whiting*, | Capt. Josiah [Jeremiah] Powers.[1] |
| *Cornwall*, | Mr. Gamaliel Painter. |
| *Colchester*, | Capt. Ira Allen, Capt. Heman Allen. |
| *Williston*, | Colo Thomas Chittenden. |
| *Wilmington*, | Mr. Wm. Mellen. |
| *Halifax*, | Doctr Wm. Hill. |
| *Guilford* | Colo Benja Carpenter, Capt. John Barney. |
| *Brattleborough*, | Lt. Israel Smith. |

[1] Doubtless "Josiah Powers" of Whiting should be Capt. *Jeremiah Powers*. See page 55, where that name is given. Josiah Powers represented Brandon in this convention, and also in the Legislature of Oct. 1778.

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| *Townshend,* | Mr. John Dyer. |
| *Dummerston,* | Lt. Leonard Spaulding. |
| *Putney,* | Mr. Dennis Lockland. |
| *Westminster,* | Nath[l] Robinson, Esq. |
| *Rockingham,* | Doct. Reuben Jones. |
| *Chester,* | Lt. Jabez Sargent. |
| *Windsor,* | Mr. Ebenezer Hoisington |
| *Hertford,* [or *Hartland,*] | Maj[r] Joel Matthews, Mr. W[m.] Gallup. |
| *Woodstock,* | Mr. Benj[a] Emmonds. |
| *Hartford,* | Col[o] Joseph Marsh, Mr. Stephen Tilden. |
| *Pomfret,* | John Throop, [Esq. John Winchester Dana, |
| *Barnard* | Mr. Asa Whitcomb, Mr. Asa Chandler. |
| *Norwich* | Col[o] Peter Olcott, Maj[r] Thomas Moredock, Mr. Jacob Burton. |
| *Sharon,* | Joel Marsh, Esq., Mr. Daniel Gilbert. |
| *Kent,* [or *Londonderry,*] | Mr. Edward Aiken. |
| *Cavendish,* | Capt. John Coffrin, [Coffein.] |
| *Bromley* [or *Peru,*] | Capt. William Utley. |
| *Thetford,* | Lt. Abner Chamberlain. |
| *Stratford,* | Mr. Frederick Smith. |
| *Fairlee,* | Mr. Amos Woodworth. |
| *Moortown,* [or *Bradford,*] | Doct. Bildad Andross, Mr. Benj[a] Baldwin.[1] |
| *Corinth,* | By a letter acquiescing in a State. |
| *Newbury,* | Mr. John G. D. Bailey, Capt. Robert Johnson. |
| *Reading,* | Mr. Andrew Spear.[2] |

## III. Further Proceedings—Name "Vermont."

[From the *Connecticut Courant* of June 30, 1777.]

State of Vermont,
In General Convention, Windsor, June 4, 1777.

*Whereas*, This convention did at their session in Westminster, the 15[th] day of January last, among other things, declare the district of land commonly called and known by the name of the New Hampshire Grants, to be "a free and independent state capable of regulating their own internal police in all and every respect whatsoever, and that it should thereafter be known by the name of New Connecticut:"

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[1] Mooretown, now Bradford, in a regular town meeting May 29, 1777, "*Voted* to send Bildad Andross and Benjamin Baldwin to the convention at Windsor, to take measures for the formation of a new State." —Copy from the town records in *Vt. Historical Magazine*, vol. II, p. 816.

[2] Here ends the manuscript of Mr. Phelps, to which he appends the words:

"Copied from the original record November 18th, 19th and 20th, 1862, by James H. Phelps."

The record from which Mr. Phelps' copy was taken was certified by Jonas Fay, the standing clerk of the convention. It was only temporarily in the possession of Mr. Phelps, and is not known to be now in existence.

*And whereas*, By mere accident, or through mistake, the said declaration alone was published in the *Connecticut Courant*, No. 634, dated March 17th, 1777, without assigning the reasons which impelled the inhabitants to such separation :

*And whereas*, This convention have been informed that a district of land lying on the Susquehanna river, has been heretofore and is now known by the name of New Connecticut, which was unknown to them until some time since the declaration at Westminster aforesaid ; and as it would be inconvenient in many respects for two separate districts on this continent to bear the same name :

*Resolved*, Therefore, unanimously, that the said district described in the preamble to the declaration at Westminster, aforesaid, shall now hereafter be called and known by the name of VERMONT.

*And whereas*, The whole body of members which compose this convention, consisting of the following persons, viz.:

Capt. Joseph Bowker, *President*,
Mr. Simeon Hathaway,
Dr. Jonas Fay, *Secretary*,
Mr. Gideon Olin,
Mr. Abel Benedict,
Mr. Eli Brownson,
Mr. Thomas Bull,
Mr. Moses Robinson, 2d.
Captain William Fitch,
Mr. Caleb Smith,
Mr. Jesse Churchill,
Capt. Ebenezer Allen,
Mr. Whitefield Foot,
Mr. Stephen Place,
Capt. Jonathan Fassett,
Mr. Gamaliel Painter,
Capt. Ira Allen,
Mr. William Mellen,
Col. Benjamin Carpenter,
Mr. Israel Smith,
Mr. Dennis Lockland,
Mr. Joshua Webb,
Mr. Jabez Sargeant,
Capt. William Utley,
Capt. William Curtis,
Capt. William Gallop,
Mr. Stephen Tilden,
Mr. John Throop,
Mr. Asa Whitcomb,
Col. Peter Olcott,
Mr. Jacob Burton,
Mr. Daniel Gilbert
Mr. Frederick Smith,
Dr. Bildad Andrus,
Mr. John G. D. Bailey,
Mr. Amaziah Woodworth,[1]
Nathan Clark, Esq.,
Mr. John Burnham, Jun.,
Major Jeremiah Clark,
Capt. Ebenezer Willoughby,
Mr. Joseph Bradley,
Mr. Martin Powell,
Mr. Cephas Kent,
Mr. Gaius Smith,
Capt. Jonathan Willard,
Captain Zebediah Dewey,
Captain William Gage,
Benjamin Spencer, Esq.,
Mr. Joseph Smith,
Mr. John Sutherland,
Capt. Josiah Powers,
Capt. Heman Allen,
Col. Thomas Chittenden,
Dr. William Hill,
Capt. John Barney,
Mr. John Dyer,
Nathaniel Robinson, Esq.,
Dr. Reuben Jones,
Capt. John Coffin, [Coffein,]
Mr. Ebenezer Hosington,
Major Joel Matthews,
Mr. Benjamin Emmons,
Col. Joseph Marsh,
John W. Dana, Esq.,
Mr. Asa Chandler,
Major Thomas Moredock,
Joel Marsh, Esq.,
Mr. Abner Chamberlin,
Mr. Amos Woodworth,[1]
Mr. Benjamin Baldwin,
Capt. Robert Johnson,
Capt. Jeremiah Powers,

amounting to seventy-two in number, being all convened at the town house in Windsor, aforesaid, and the motion being made and seconded,

[1] In the preceding list of delegates, the only Woodworth named is *Amos*, whose name is also in this list with that of *Amaziah*.

whether the house would proceed to business on the former declaration made at Westminster, in January aforesaid, with this alteration only, "that instead of NEW CONNECTICUT, the said district should ever be known by the name VERMONT ;" That then the names of the representatives being distinctly and severally called by the Secretary, seventy-one of them did answer in the words following, viz. : "PROCEED TO FORM ;" at which time and place the said seventy-one members did renew their pledges to each other by all the ties held sacred among men, and resolve and declare that they were at all times ready, in conjunction with their brethren in the United States, to contribute their full proportion towards maintaining the present just war against the fleets and armies of Great Britain.

That the public may be capable of forming a just idea of the reasons which so necessarily oblige the inhabitants of the district before described to declare themselves to be separate and distinct from the state of New York, the following complaints are hereto subjoined.

## COMPLAINTS.

In the year 1764 the legislative authority of New York did obtain jurisdiction over the before described territory of land, by virtue of a false representation made by the late Lieut. governor Colden, that for the convenience of trade and administration of justice the inhabitants were desirous of being annexed to that government.

They have refused to make re-grants of the same lands to the original proprietors and occupants, unless at the exorbitant rate of $2300 fees for each township, and did enchance the quitrent three fold, and demanded an immediate delivery of the title derived before from New Hampshire.

The judges of their supreme court have made a solemn declaration, that the charters, conveyances, &c., of the lands included in the before described premises, were utterly null and void, on which said title was founded.

In consequence of which declaration, writs of possession have by them been issued, and the Sheriff of the County of Albany sent at the head of six or seven hundred armed men to enforce the execution thereof.

They have passed an act annexing a penalty thereto, of thirty pounds, and fine and six months imprisonment, on any person who should refuse attending the sheriff after being requested for the purpose of executing writs of possession.

The governors, Dunmore, Tryon, and Colden, have made re-grants of several tracts of land included in the premises, to certain favorite land-jobbers in the government of New York, in direct violation of his Britannic Majesty's special orders in the year 1767.

They have endeavored and many times threatened to excite the king's troops to destroy us.

They have issued proclamations wherein they have offered large sums of money for the purpose of apprehending those persons who dared boldly and publicly to appear in defence of their just rights.

They did pass twelve acts of outlawry on the 9th of March, A. D. 1774, empowering the respective judges of their supreme court to award execution of death against those inhabitants in said district, that they should judge to be offenders, without trial.

They have and still continue an unjust claim to those lands, which greatly retards emigration into, and the settlement of this state.

They have hired foreign troops, emigrants from Scotland, at different times, and armed them to drive us out of possession.

They have sent the savages on our frontiers to destroy us.

They have proceeded to erect the counties of Cumberland and Gloucester, and established courts of justice there, after they were discountenanced by the authority of Great Britain.

The free convention of the state of New York, at Harlem, in the year 1776, unanimously voted "that all quitrents formerly due to the king of Great Britain, are now due and owing to this convention, or such future government as shall be established in this state."

In truth, they, the late government of New York, have spared neither cost or pains, nor been wanting in using every artful insinuation in their power, (however unwarrantable by the laws of God or man,) to defraud those inhabitants out of the whole of their landed property; and nothing but consciences void of offence towards God and man, to whose impartial judgment we appeal, could have induced those inhabitants to have run the risk, and to have undergone the hardships and fatigues they have borne, for the salvation of their lives, liberties and properties.

In the several stages of the aforesaid oppression, we have petitioned his Britannic Majesty in the most humble manner for redress, and have, at very great expense, received several reports in our favor; and in other instances wherein we have petitioned the late legislative authority of New York, these petitions have been treated with neglect. We shall therefore only remind the public that our local situation alone is a sufficient reason for our declaration of an independency, and must therefore announce a separation from the state of New York, and refer the public to our declaration made the 15th day of January last, and published in the *Connecticut Courant*, and sincerely wish that in future a lasting peace may continue between the state of New York and this, with the other United States of America.

By order of Convention.

JONAS FAY, *Secretary.*[1]

## IV. CONCERNING ELECTION OF DELEGATES.

A copy of the proceedings of this June convention, relating to the election of delegates to a *Constitutional* Convention, appears to have been forwarded to the several towns, which copy was as follows:

In convention of the representatives of the several counties and towns in the state of Vermont, holden at Windsor on the 4th day of June, A. D. 1777—

*Whereas*, this convention did at its sitting at Westminster on the 15th day of January last make and publish a declaration that they would at all times hereafter consider themselves as a free and independent state, capable of regulating their own internal police in all and every respect whatever:

And whereas no government sufficient to the exigencies of our affairs has been hitherto established; Therefore it becomes absolutely necessary for the safety, well being and happiness of the inhabitants of this state to form such a government as shall, in the opinion of the representatives of the people of this state, best conduce to the happiness and safety of their constituents in particular and America in general; and whereas the Honorable Continental Congress did, on the 15th day of May, A. D. 1776, make and publish the within recommendation for the express purpose of taking up government,

[1] The foregoing from the *Connecticut Courant* is found, though with numerous typographical errors, in the Appendix to J. D. BUTLER'S Address of 1846, p. 31, 32, 33. See also *H. Hall's Vt.*, pp. 244, 245, 246.

*Resolved*, Therefore, that copies of the said recommendation be distributed to the inhabitants of each town within this state; and that it be and is hereby recommended to the freeholders and inhabitants of each town in this state to meet at some convenient place in each town on the 23d day of this instant June and choose delegates to attend a general convention at the meeting-house in Windsor, within the said state, on the second day of July next, to choose delegates to attend the general Congress, a Committee of Safety, and to form a Constitution for said state. By order of Convention.

pr copy, JOSEPH BOWKER, *President.*[1]

## COMMITTEE TO REPAIR TO TICONDEROGA.

This convention at Windsor of June 4, 1777, [appointed a committee to make a draft of a constitution,[2]] also appointed a committee consisting

[1] The resolution of the Continental Congress of May 15, 1776, referred to above, is as follows:

"*Resolved*, That it be recommended to the respective assemblies and conventions of the United Colonies, where no government sufficient for the exigencies of their affairs hath been hitherto established, to adopt such government as shall, in the opinion of the representatives of the people, best conduce to the happiness and safety of their constituents in particular and America in general."—See *ante*, p. 40.

[2] These words are added to the statement in the *Vermont Historical Society Collections*, vol. I, p. 54, on the authority of Ira Allen, who was a member of the convention.—See Ira Allen's *History of Vermont*, p. 92, or *Vt. Hist. Soc. Coll.*, vol. I, p. 382. Who constituted the committee to draft the Constitution is nowhere stated. Ira Allen says: [Jonas] "Fay, [Thomas] Chittenden, [Heman] Allen, and [Reuben] Jones, returned from Congress, without the decision of that body upon their petition in behalf of the inhabitants, and brought with them Dr. Young's letter, printed and published at Philadelphia, addressed to the inhabitants of Vermont."—See Allen's *History*, p. 86, or *Vt. Hist. Soc. Coll.*, vol. I, p. 379. Dr. Young wrote that he had "*recommended to your committee* the constitution of Pennsylvania for a model," suggesting an alteration making the executive body [Governor and Council] advisory simply, reserving the supreme legislative power to the General Assembly.—See Dr. Young's letter, *Appendix D.* It would not be unreasonable to assume that the Convention would select, as committee, the gentlemen who had been in consultation with Dr. Young, and by whom he sent printed copies of his letter to be distributed among the people of the expected state. On that assumption, the committee consisted of Jonas Fay, Thomas Chittenden, Heman Allen, and Reuben Jones—perhaps with the addition of Jacob Bayley, who had been appointed an agent to Congress with these gentlemen. The names of all these except Allen appear in Pliny H. White's list of delegates to the Convention which adopted the Constitution, and all of them except Jacob Bayley were members of the Convention that

of "Col. William Marsh, James Mead, Ira Allen and Captain Salisbury, to wait on the commander of Ticonderoga fort and consult with him respecting the regulations and defense of the frontiers, and then adjourned to the 2d of July, 1777, at the same place. While the committee was at Ticonderoga, Gen. Burgoyne with his army appeared on the lake, and resting at Crown Point, he sent a scout of about 300, mostly Indians, to land at the mouth of Otter Creek, to annoy the frontiers of the state. Gen. Poor refused to allow any troops to the committee for the defense of the frontiers, but allowed Col. Warner to go with the committee, who soon raised men sufficient to repel the assailants. All who were members of the convention left the militia and repaired to Windsor on the 4th [2d] of July, 1777."[1]

## V. Proclamation for a Fast.

A PROCLAMATION.

Since God has been pleased in his wisdom to visit the inhabitants of this land with his just judgments by suffering our unnatural enemies to wage war against us, the pestilence to prevail and the many other calamities with which we are now threatened as a just reward for the many pevailing sins committed against the Divine Law, we have sufficient reason to believe calls aloud on his people for solemn Fasting and Prayer. We have, therefore, thought fit to appoint and do hereby appoint Wednesday the 18th day of June instant to be observed as a day of public fasting and prayer throughout this state, and do earnestly recommend to the good people thereof to observe the same as such, that we may humble our hearts before God and implore Him to avert the impending judgments, remove the sword of our unnatural enemies from us, sanctify the awful frowns of Divine Providence, grant His blessings

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appointed the agents to Congress. Benjamin Franklin is "reported to have been the author of the most remarkable feature of this Constitution, that is, a single legislative assembly." Dr. Young was efficient in securing the adoption of this feature in the first constitutions of Pennsylvania, Vermont, and Georgia, and it was adopted in the constitution of the National Assembly in France. In Vermont, says Gov. Hall, Dr. Young's "recommendation was followed." Possibly Dr. Y. himself drafted the constitution, and the work of the committee was little if anything more than nominal. The Convention at Windsor in July 1777 was so excited and absorbed by the immediate danger from the enemy that it could not be in the mood nor command the time necessary for mature deliberation. There is no evidence of any amendment to the original draft, except the addition of the preamble. The institution of a State Committee of Safety, vested temporarily with the powers of the Governor and Council, was anticipated in the warning, and probably included in the original draft of the Constitution.—See *Sparks' Life of Franklin*, p. 408–410, and H. Hall's *Early History of Vermont*, p. 498–500.

[1] *I. Allen's Vt.*, p. 92, in *Vt. Hist. Soc. Coll.*, vol. I, p. 382.

on our councils and arms and direct our generals, guard this state from the invasions of the savages, direct in our election of members for establishing government, bless the labors of our hands, grant suitable seasons for the year for seed-time and harvest and crown the year with His goodness, revive religion and virtue, Bless the ministers of the gospel and water his churches with heavenly grace. And it is hereby recommended to all the good people of this state to abstain from secular labor and recreation on that day.

Given at Windsor in the state of Vermont in General Convention, the 7th day of June Anno 1777.

By order,

JOSEPH BOWKER, *President.*

JONAS FAY, *Secretary.*[1]

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## VI. EXCLUSIVE JURISDICTION ASSUMED BY VERMONT.[2]

[Furnished by Hon. JAMES H. PHELPS from a paper given to him by the late HENRY STEVENS. Now printed for the first time.]

### STATE OF VERMONT.

IN GENERAL CONVENTION, Windsor, June 4, 1777.

*Resolved*, That the keeper of the common gaol for the County of Cumberland within this State be and is hereby directed to keep in safe custody all Prisoners already committed by any legal authority within this State until regularly discharged by this Convention or their further order had thereon, and that for the future the said keeper be and is hereby directed to observe such orders as he shall receive from either of the Committees of Safety for either of the towns in this State during the recess of this Convention.

*Resolved*, That the Chairman of the Committees of Safety for the Counties of Cumberland and Gloucester immediately on sight hereof and

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[1] A manuscript copy of the above proclamation, certified by Martin Powell, assistant clerk, is found in the office of the Secretary of State at Albany, in volume 32, *Miscellaneous*, p. 54.

From the date of the above proclamation it would appear that the Convention was in session not less than four days.

[2] The truth of this most valuable addition to the proceedings of the Convention is fully confirmed by the following:

On the 26th of June, 1777, the Cumberland County Committee of Safety [under New York] appointed a committee to draft a "True Representation of the Broken State of the Inhabitants of the County," which was done on that day, and the document, signed by JAMES CLAY, Chairman, was presented to the New York Council of Safety on the 15th of July. This "True Representation" declared:

"That the Convention held at Windsor on the 4th day of June, instant, for the purpose of establishing their new state of Vermont, have taken into their possession the prison of this county, and have strictly forbid all committees acting under the authority of the state of New York, so that it is become impracticable for the county committee, or any other committee, to proceed to any publick business in this county." —See *Eastern Vermont*, pp. 294–296.

they are hereby directed and required to desist acting in such capacity by virtue of any authority derived from the Honorable Convention of the State of New York, and that their several associates are directed strictly to observe the same.

*Resolved*, That the several Committees of Safety acting under the authority of this State be and are hereby directed to take into their immediate custody all such estates of enemical persons who have heretofore or that may hereafter be by sufficient evidence proved to be such, which estates are not already in custody by virtue of such authority, and them safely keep for the use of this State during the recess of this Convention except what may be sufficient to defray the necessary charges arising for trial of such offender or offenders.

*Resolved*, That all Commissioners appointed by the authority of the State of New York for the purpose of seizing the estates of enemical persons for the use of that State, to the prejudice of this, be and hereby are required to desist and surcease such commission or commissions immediately on sight hereof, and they are hereby severally strictly forbid disposing of any such estate so seized within this State except what is sufficient to defray the charge of trial, seizing, &c., until further order from this Convention or the orders of the President or Vice President of this State with his Council during the recess of this said Convention.

*Resolved*, That the Committees of the several towns in this State be and are hereby empowered to seize and secure all and every person and their estates that appear to be enemical to their country and to proceed to trial in manner and form following:

That the Committee of any town in this State shall seize the person and estate of any such suspected enemies and if on examination they shall find just cause to proceed against the same they are hereby empowered to call thirteen committee men from the adjacent towns including the committee of said town. which are hereby empowered to try such offender or offenders and give sentence against him or them and order the said judgment to be put in execution—Provided the offender or offenders is not worthy of death or other corporal punishment, in which case the committees are empowered to imprison the offender or offenders in the common gaol or gaols within this State, there to remain without bail until a proper court shall be established in this State to try him or them.

Extract from the minutes,

By order. JONAS FAY, *Sec'y.*

A true copy,

Attest, LEONARD SPAULDING.[1]

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[1] Mr. Spaulding was the delegate from Dummerston. At a preceding session of the Convention, in Sept. 1776, he had been appointed, with Samuel Fletcher, "to *notify* Townshend, Putney, New Fane and Dummerston," which seems to have been done by furnishing written copies of the proceedings of the Conventions. There was then no printing office in the State.

# THE CONVENTION AT WINDSOR,

## JULY 2-8, 1777.

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Of this Convention—unsurpassed in importance by any other in the State, in that it established a constitution and frame of government—no official record, and no full and satisfactory unofficial account even, has ever been published. Dr. Williams, the earliest historian of Vermont, [1794,] wrote his history when many of the members of the Convention were living, but the only allusion he makes to that body consists of the facts that it was sitting at Windsor on the 4th of July, 1777, and "their committee wrote in the most pressing terms, July 8, [3,] to the Committee of Safety at Exeter, in New Hampshire, for assistance" against the invasion by a British force.[1]

Ira Allen was a member of the Convention, and certainly was so familiar with all that occurred in it that he could have given a detailed account, but in 1798 he wrote a few lines only as a record, as follows:

A draft of a constitution was laid before the Convention, and read. The business being new, and of great consequence, required serious deliberation. The Convention had it under consideration when the news of the evacuation of Ticonderoga arrived, which alarmed them very much, as thereby the frontiers of the State were exposed to the inroads of an enemy. The family of the President of the Convention, as well as those of many other members, were exposed to the foe. In this awful crisis the Convention was for leaving Windsor, but a severe thunderstorm came on, and gave them time to reflect, while other members, less alarmed at the news, called the attention of the whole to finish the Constitution, which was then reading paragraph by paragraph for the last time. This was done, and the Convention then appointed a Council of Safety to act during the recess, and the Convention adjourned.[2]

William Slade [1823,] and Zadock Thompson, [1824, 1842, 1853,] adopted the account of Ira Allen, and thus the early historians of the State left to more recent investigators the task of discovering whatever more could be found.

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[1] Williams's *History*, vol. 2, 177.

[2] *Vt. Hist. Soc. Coll.*, vol. I, p. 383.

B. H. HALL [1858] added one fact, viz: "a right to the county jail at Westminster was, however, reiterated, and the orders were issued to a sergeant and six men to guard it both by night and day, and to permit no one to advance withing six feet of the gratings, or to approach the jail door."[1]

The late Rev. PLINY H. WHITE, of Coventry, gave the results of much research in an interesting address delivered before the Vermont Historical Society, July 2, 1863.[2] Mr. WHITE added several particulars, and first a list of twenty-four of the members, sixteen having been ascertained by the late LEONARD DEMING of Middlebury, and eight by Mr. WHITE. The list is as follows:

*Barnet*, Alexander Harvey.
*Bennington*, Jonas Fay, Joseph Safford.
*Bradford*, Benja. Baldwin, Bildad Andrus.
*Chester*, Thos. Chandler, Jabez Sargent.
*Danby*, Thos. Chittenden, William Gage.
*Guilford*, Benjamin Carpenter.
*Hartford*, Joseph Marsh.
*Marlboro*, Francis Whitmore.
*Newbury*, Jacob Bayley, Reuben Foster.
*Pomfret*, John Throop.
*Poultney*, Wm. Ward, Nehemiah Howe.
*Rockingham*, Joshua Webb, Reuben Jones.
*Rutland*, Joseph Bowker.
*Sunderland*, Timothy Brownson.
*Tinmouth*, Ebr Allen, Charles Brewster.
*Pownal*, Joseph Williams.

To these the editor of these papers adds the following—four on good authority, and ten *probable* members:

*Danby*, Thomas Rowley.[3]
*Bennington*, John Burnham,[4] Nathan Clark, *probably.*[5]
*Clarendon*, Benj. Spencer, *probably.*[5]
*Colchester*, Capt. Ira Allen,[6] Capt. Heman Allen.[6]
*Shaftsbury*, Maj. Jeremiah Clark, *probably.*[5]
*Townshend*, Samuel Fletcher, *probably.*[7]
*Wilmington*, William Williams, *probably.*[1]
*Dummerston*, Lt. Leonard Spaulding, *probably.*[8]
*Westminster*, Nath'l Robinson, *probably.*[9]
*Windsor*, Ebenezer Hoisington, *probably.*[10]
*Pomfret*, John W. Dana, *probably.*[11]
*Cavendish*, John Coffein, *probably.*[11]

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[1] *Eastern Vermont*, p. 298, apparently on the authority of a letter dated July 7, 1777, from Col. William Williams of Wilmington to Capt. John Sessions. As this letter was dated while the Convention was in session, it is probable Col. Williams was a member. He represented Wilmington in the legislature of Vermont in 1779. Wilmington was represented in the Convention of Sept. 25, 1776, by letter, and again Jan. 4. 1777, by Wm. Mellen delegate. It was also represented in the first legislature, March 1778, by Elijah Alvord. It is quite probable, therefore, that the town was represented in the Convention of July 1777. It could not send

Mr. WHITE adds :—

The Convention was organized by choosing JOSEPH BOWKER, President; JOSEPH MARSH, Vice-President. Before proceeding to business the convention listened to a sermon by Rev. AARON HUTCHINSON of Pomfret.

After sermon the Convention proceeded to the specific business for which it was elected, digressing from that to consider any other matter relating to the interests of the new State which seemed to require attention.

Very early in the session their attention was called away from their more immediate business by a dispatch from Col. SETH WARNER, announcing the advance of Burgoyne upon Ticonderoga, and calling for assistance. The dispatch was as follows :

RUTLAND, July 1, 1777.

*To the Hon. the Convention now sitting at Windsor in the State of Vermont.*

GENTLEMEN :—Last evening I received an express from the general commanding at Ticonderoga, advising me that the enemy have come up the lake, with 17 or 18 gunboats, two large ships, and other craft, and lie at Three Mile Point. The general expects an attack every hour. He orders me to call out the militia of this state, of Massachusetts, and New Hampshire, to join him as soon as possible. I have sent an express to Col. Simonds. Col. Robinson and Col. Williams are at Hubbardton, waiting to be joined by Col. Bellows, who is with me. When the whole are joined they will amount to 700 or 800 men. I know not to whom to apply except to your honorable body, to call out the militia on the east side of

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a better man than Col. Williams. Every intelligent reader will of course understand that the seizure of the jail of Cumberland county was an enforcement of the assertion of the jurisdiction of Vermont as against New York.

[2] *Vt. Historical Soc. Collections*, vol. I, p. 56—66.

[3] *Vt. Historical Magazine*, vol. I. p. 98. Danby was entitled to three members, and the addition of Mr. Rowley's name to the preceding list completes the delegation from that town.

[4] *Vt. Historical Magazine*, vol. I. p. 165. He was a member of the Convention of the 4th of June preceding.

[5] He was appointed by the Convention one of the Council of Safety, and was a member of the Convention of June 4.

[6] H. Hall's *Early History of Vt.*, 454.

[7] He was a member of two previous conventions and of the first legislature.

[8] He was a member of four preceding Conventions and of the first legislature.

[9] He was a member of three preceding Conventions and of the first legislature.

[10] He was a member of three preceding Conventions.

[11] Both were members of the preceding June Convention, and of the first legislature.

the mountain. I shall expect that you will send on all the men that can possibly be raised, and that you will do all in your power to supply the troops at Ticonderoga with beef. Should the siege be long, they will be absolutely destitute, unless the country exert themselves. If 40 or 50 head of beef cattle can be brought on by the militia, they will be paid for by the commissary on their arrival. The safety of the post depends on the exertions of the country. Their lines are extensive and but partially manned, for want of men. I should be glad if a few hills of corn unhoed should not be a motive sufficient to detain men at home, considering the loss of such an important post might be irretrievable. I am, gentlemen, with the greatest respect, your obedient and very humble servant.

SETH WARNER.

P. S. I am this moment a going to mount my horse in company with Col. Bellows for Ticonderoga. I left Col. [Moses] Robinson at Hubbardton this morning. That you may have wisdom to conduct in the business for which you are called together is the prayer of

S. W.

A copy of this dispatch was immediately forwarded by express to the General Assembly of New Hampshire, then in session at Exeter, with a letter from the convention as follows :

STATE OF VERMONT,
In General Convention, Windsor, 3d July, 1777.

*Gentlemen:*—This House enclose to you a Copy of a Letter just received from Colo Warner by which your honors will learn the situation of the army in the northern department at that time. You will observe by that, that we have no knowledge that any Express has been sent you. Therefore as the matter nearly concerns the Liberties of the United States in General, this House flatter themselves that their forwarding this intelligence may not prove unacceptable.

The Militia from this State are principally with the officer Commanding the Continental Army at Ticonderoga, the remainder on their march for the relief of that distressed Post. It appears to this House from the various informations from thence, and the personal acquaintance of many of the members thereof, of the particular circumstances which attend our friends there at this present time, that every prudent Step ought to be immediately taken for their relief.

Your honors' Wisdom will doubtless be sufficient for your Conduct. Wishing a lasting peace and friendship, We have honor to be Gentlemen with sincere Sentiments of Respect your most

Obedt Humble Servants.

By order of Convention.

JOSEPH BOWKER, *President.*

SUPERSCRIBED:

*To the Honorable the General Assembly or Council of War at Exeter, State of New Hampshire.*

*From General Convention in the State of Vermont.*

Having adopted such measures as seemed advisable to reinforce the beleagured fortress with men and provisions, the convention proceeded to consider the proposad constitution. It remained in session till the 8th of July, when its deliberations were interrupted by the arrival of a dispatch from General St. CLAIR, returning his earnest thanks for their exertions in behalf of Ticonderoga, but announcing the evacuation of that place on the morning of the 6th of July, the pursuit of the retreating Americans by the British and the attack upon Warner at Hubbardton on the morning of the 7th of July; the disastrous result of which was

not known at the time of writing.[1] This occasioned great alarm and anxiety. The families of many of the members, that of the President included, were within the very line of march of the triumphant enemy, and the first impulse was to leave the business unfinished, and fly to the defense of their homes.

A furious thunder storm however compelled them to remain for a while, and gave them time to conclude their business, though in a somewhat hurried way. The constitution was read for the last time and unan-

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[1] *General St. Clair to the President of the Vermont Convention at Windsor.*

Colº Mead's, at Otter Creek,
July 7th, 1777.

*Sir*,—I was honored with your favor of the 2d Instant this Day. The Exertions of the Convention to reinforce us at Ticonderoga merit my warmest thanks tho' they have been too late to answer the good purpose they intended. Finding that the Enemy were ready for the attack, and that it was morally impossible we could maintain the Post with an handful of Troops, & at the same time considering how necessary to the States it was to preserve our army, small as it is, it was determined in a Council of the General Officers that the Posts on Ticonderoga and Mount Independence should be evacuated, and a retreat attempted to Skeensborough by the way of Castleton, and that everything we could remove with the sick, should be sent by water to the same place, covered by the armed Vessels. This was accordingly attempted the night of the sixth, and in part executed, tho' not as perfectly as I could have wished with respect to the stores, owing to the Confusion that naturally attends operations in the night, and to the want of that regularity that nothing but discipline and experience can give Troops, and just at break of day the army got on their march unperceived by the Enemy, altho' they were all round us, and should have effected it perfectly had it not been for the burning of a House, whether from accident or want of thought I cannot say, but it served to inform the Enemy of our Retreat, and a party of them were on the Mount before the whole of our people had got off of it. They did not attempt however to pursue us, but only fired a few shots from the Height which did us no damage. We pursued our Route to Castleton, which we reached last night with the main Body, having met on our way a party of the Enemy who had been collecting Cattle in the Country. These were immediately dispersed, and a few Prisoners taken. Colonel Warner with about a thousand men stopped six miles short of Castleton where he was attacked this morning. The event of the action I cannot as yet ascertain—the accounts are so various from the persons who have come in ; but I believe it was pretty severe on both sides. I am now on my march to Bennington, which place I am obliged to make, on account of Provisions, the Enemy having last night possessed themselves of Skeensborough, of which I got intelligence this morning, which determined me to take the road for that place, and there I beg that the reinforcements coming on by No. 4 [Charlestown, N. H.] may be sent, as I shall immediately march from thence for the North River, and endeavor to throw myself betwixt the Enemy and the Inhabitants, and prevent Mr. Burgoyne from penetrating into the Country.

I am, Sir, your very Humble Servant, Ar St. Clair.

I must beg that all the Flour that can be got may be sent forward.

I have wrote to the first commanding Officer of the militia to take the shortest road to Bennington with directions to send the same orders to such others as may be already on this side No. 4.—*Vt. Hist. Col.* Vol. I. p. 174.

imously adopted. It was also ordered that an election, under the constitution, should be held in December, 1777, when representatives should be elected to a general assembly, to meet at Bennington in January, 1778. JOSEPH MARSH, JOSEPH WILLIAMS and TIMOTHY BROWNSON were appointed a committee to procure a supply of arms for the state, with instructions to draw them, if possible, from governmental arsenals, but with authority to pledge the credit of the state to the amount of four thousand pounds, if it were found necessary to purchase. A Council of Safety was appointed to administer the affairs of the state until some other provision in that regard should be made. No list of the members of this Council is extant, but it is known that THOS. CHITTENDEN, IRA ALLEN, MOSES ROBINSON, JONAS FAY, JOSEPH FAY, PAUL SPOONER, NATHAN CLARK, and JACOB BAYLEY, were of the number.[1]

The resolution of the Convention on the supply of arms, referred to by Mr. White, was as follows:

STATE OF VERMONT, }
In Convention, Windsor, July 8th, 1777. }

*Resolved*, that Col. JOSEPH MARSH, Col. WM. WILLIAMS and Col. TIMOTHY BROWNSON be appointed Contractors to procure a sufficient Quantity of Arms for this State as the exigency of the same shall require, drawing them if possible out of some Continental stores, giving such security for the same in behalf of this State as their wisdom may direct, and that they be impowered for the same purpose (if they cannot be so drawn) to hire not exceeding four thousand pounds, for which they are to give their obligation in behalf of this State, and that they make an exact return of their doings herein to this Convention, or in their recess to the Council of Safety for this State.

By order of the President,

JONAS FAY, *Secretary*.

The original number of the Council according to Gen. STARK, was twelve.[2] This corresponds with the number of the committee appointed by the Dorset Convention of Sept. 25, 1776, to attend the next Convention—of course as advisers or councillors,—and also with the number of the governor's council fixed in the constitution. Of this number the Rev. PLINY H. WHITE has given eight undoubted names. To that list Hon. HILAND HALL has assented with the reservation that no evidence exists of the membership of JOSEPH FAY other than the fact that he was secretary of the Council.[3] The editor regards that fact, however, as very strong evidence. The first secretary was IRA ALLEN, a member of the Council, who served in the office until September 6, 1777, when JOSEPH FAY was elected to succeed him. Fay was at hand to enter upon the office; and he did so, as the record shows, on that day. To this it must be added that when a deputy secretary was appointed, a member of the Council was selected. The office was one of high dignity, correspond-

[1] For Mr. WHITE's address in full, and Mr. HUTCHINSON's sermon, see *Vt. Hist. Soc. Collections*, vol. I, p. 56—101.

[2] Gen. John Stark to the *Connecticut Courant*, Aug. 18, 1777, in *Vt. Hist. Soc. Collections*, vol. I, p. 228.

[3] *Early History*, pp. 258 and 259, note.

ing to the office of Secretary of State, which title IRA ALLEN assumed, and it was accorded to him by some officers of other states. The signature of the Secretary was recognized as of equal authority with that of the President. The duties of the Council were, many of them, so very delicate and confidential in their character that it is hardly possible to conceive that any person would be permitted to hold that office who was not amply qualified by talents, judgment and character, to be a member of the board. Mr. FAY was thus fitted, and eminently so: he was counted worthy of being the agent of the State to Congress, and accomplished and discreet enough to be entrusted (in company with IRA ALLEN) with the Haldimand correspondence. While, then, Vermont had no men to spare for offices which are merely clerical, why should not the Council economize by appointing one of its own number for the second Secretary, as it did for the first? Assuming, then, that JOSEPH FAY was a member of the Council, the number thus far ascertained is *eight*. To this number is to be added BENJAMIN SPENCER of Clarendon, on the authority of a letter from the Council, by PAUL SPOONER, deputy secretary, to Brig. Gen. BAYLEY, dated August 11, 1777. This letter announced that "Esq. Spencer" had joined the enemy.[1] To fill this

[1] See letter of that date, *post;* also *Vt. Hist. Soc. Collections*, vol. I, p. 196.

BENJAMIN SPENCER of Durham [Clarendon] was justice of peace and assistant judge of the court of common pleas under the jurisdiction of New York in 1773. He was, says IRA ALLEN, "an artful, intriguing and designing man." He certainly was zealous in furthering the interests of New York to such a degree as to require severe measures from the Vermont leaders. Accordingly they visited Clarendon with a large body of men, in the autumn of 1773, and warned Spencer to desist on penalty of suffering violence. He and other New York officers in the neighborhood persisted in issuing writs, &c., against the New Hampshire grantees, and a second visitation was made, and Spencer was arrested. The people assembled to witness the scene to be enacted, when Ethan Allen addressed the crowd, announcing that "the proprietors of the New Hampshire Grants had appointed himself, Seth Warner, Remember Baker and Robert Cochran to inspect and set things in order and to see that there should be no intruders on the Grants;" adding that "Durham had become a hornets' nest," which must be broken up. "A judgment seat" was then erected, on which Allen, Warner, Baker and Cochran seated themselves as judges. At Spencer's request, however, the trial was transferred to his own door, where he was required to stand up with uncovered head. He was then charged with "cudling with the land-jobbers of New York to prevent the claimants of the New Hampshire rights from holding lands"—with issuing warrants as a justice of the peace contrary to the orders of Allen and company, and other acts as a New York magistrate—with reporting their proceedings to the

vacancy BENJAMIN CARPENTER of Guilford was appointed by the Convention at Windsor, Dec. 24, 1777, of which appointment Col. CARPENTER was notified by a letter from the Council, by JONAS FAY, dated 10 January, 1778.[1]

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New York authorities, conveying land under a New York title, and with endeavoring to seduce and inveigle the people to be subject to the laws and government of the colony of New York. Spencer was found guilty on all these charges, his house was declared to be a nuisance which must be burnt, and he was required to promise that he would no longer act as a New York magistrate. Spencer objected that the destruction of his house and property would be cruelty to his wife and children, whereupon the court, upon Warner's suggestion, decided that the house should be spared, but the roof taken off, to be replaced again when Spencer would accept it under a New Hampshire title. To this he agreed, when the roof was taken off "with great shouting and much noise and tumult," and Spencer was discharged, promising not to act under New York. Other Yorkers in Clarendon were visited in like manner, with salutary effect, and then Ethan Allen adroitly and justly pledged the Green Mountain Boys to protect those Yorkers, who would quiet their titles by covering the New York grants with New Hampshire grants, from any exactions which might be attempted upon them on these forced purchases, —offering them the land "at a reasonable rate, as new lands were valued at the time you [they] purchased them" originally. By this process Spencer was reconciled to the new state, so that he accepted the position of delegate in the Convention at Windsor, June 4, 1777, pledging himself to stand by the new state and "to resist by arms the fleets and armies of Great Britain." It is probable that he was a delegate in the July Convention also, as he was appointed a member of the Council of Safety. However, when Burgoyne's army advanced into the country, heralded by vaunting proclamations, Spencer sought personal safety with the enemy at Ticonderoga, and, it is said, died at that post a few weeks afterward.—*Early History*, pp. 169, 170, 172–177, 258.

In his address to the Legislature, printed in 1808, (and quoted in the appendix to D. P. THOMPSON'S Address, 1850,) IRA ALLEN said :

Abel [Benjamin] Spencer of Clarendon, who had been a stickler for New York, had been suddenly converted to an advocate for a new State, and so ingratiated himself as a good whig, that he was elected a member of the Council of Safety. Mr. Allen declared he would not take a seat in the Council if Spencer did; and that he should not be surprised if Spencer should go to Burgoyne's camp, which he did, and died with the British soon after.

There were two Spencers known to Allen, and both went to the enemy —Abel for a short time. He was tried, convicted, and fined. Afterward he became a very prominent man, much in public service. Allen's memory was in fault.

[1] See letter of that date, *post.*

There is still to be added, on the authority of IRA ALLEN, member and first secretary of the Council, the name of Capt. HEMAN ALLEN, who, about that period, resided at Bennington, Arlington, or Sunderland, at his convenience, though his intended home probably was Colchester. He died May 18, 1778.[1]

Still another name is to be added on the authority of Hon. MYRON CLARK of Manchester. to wit: that of Maj. JEREMIAH CLARK of Shaftsbury. MYRON CLARK was a grandson, and lived in the Major's family from the age of ten years till he was sixteen. He has recorded the tradition of the family[2] in full faith of its accuracy, as none will doubt who know the character of the man.

The number of members of the Council thus ascertained,—on authority which can hardly be contradicted, even if in some points it is not entirely satisfactory,—is *eleven*. The twelfth member is most probably to be ascertained from the list suggested by the Rev. Mr. WHITE, as follows:

There is good reason to believe that Samuel Robinson, Matthew Lyon, Thomas Rowley, Gideon Olin and Benjamin Carpenter were also members.[3]

Col. CARPENTER is of course to be omitted from this list, as his name has already been included vice SPENCER. If the remaining names in this list are added to the eleven already ascertained, then the total number of the Council would be *fifteen*, which is three too many, The result is that only *one* name is wanted, either that of Samuel Robinson, or Matthew Lyon, or Thomas Rowley, or Gideon Olin. To make this selection a consideration of the position of each of these gentlemen at the time is indispensable.

SAMUEL ROBINSON, of Bennington, was in full vigor of manhood in August, 1777, 39 years of age; but he was full of work also which demanded all his strength—his duties then being those of a captain of militia engaged in active field service, and overseer of tories and prisoners, of which he had many on his hands as the fruits of the victory of Bennington. A large portion of the orders of the Council are addressed to him, touching these last offices. It is not very probable, certainly, that the duties of a member of the Council were superadded.

THOMAS ROWLEY, then resident of Danby, died in 1796, at seventy-five years of age, which would make him fifty-six in 1777. He was then chairman of the Committe of Safety of Danby. He was the poet of Vermont in his day, and zealously and effectively used his powers of wit and satire against New York; but it is noticeable that he was clearly identified with only one of the many great revolutionary movements in Vermont previous to 1777. By the Dorset Convention of Jan. 16, 1776, he

[1] I. Allen's *History of Vermont* in *Vt. Hist. Soc. Coll.*, vol. I, p. 388.

[2] *Vt. Hist. Mag.*, vol. I, p. 236.

[3] *Vt. Hist. Soc. Collections*, vol. I, p. 63.

was appointed, with JONAS FAY and Col. WM. MARSH, to draw a petition to Congress, and he was probably a delegate in that Convention, but from the record of that petition, as it is incorporated in the journal of the Convention of July 24 following, it appears that the petition was "per JONAS FAY, IRA ALLEN, Committee appointed."[1] A biographer of Mr. ROWLEY, in *Vt. Hist. Mag.*, vol. I, p. 98, claims that he "participated largely in the deliberations of those who declared Vermont a free and independent State, and aided in framing its first Constitution." This implies that he was a member of the Windsor Convention of July, 1777, and yet all the record evidence in his case up to 1777 has just been cited. Conceding that he may have had all the qualifications needed as a member of the Council, which sat at Bennington almost constantly from July 28, 1777, to March 6, 1778, Mr. ROWLEY'S residence and duties at Danby, as chairman of its Committee of Safety, militate seriously against the theory that he was a member of the Council.

Maj. GIDEON OLIN was thirty-four years of age in 1777, and he had fine qualities for the office of Councillor, which were afterwards manifested by honorable service for thirty years in various and important offices ; and yet the record shows that he had not fairly entered upon his public life until after the Council of Safety had ended its work. He was appointed Major June 6, 1778—three months after the Council had closed; and in 1778 also he entered the General Assembly.[2]

The last name on the Rev. Mr. WHITE'S list, and most probably the right one to be selected, is that of MATTHEW LYON, then of Arlington. In a memoir of THOMAS CHITTENDEN, by Hon. DAVID READ, in *Vt. Hist. Mag.*, vol. I, p. 911, it is said that LYON was a member of the Council. The editor is inclined to put little stress upon this, however, from a surmise that Mr. READ has taken the partly ascertained and partly *suggested* list of Mr. WHITE as *the* roll of the Council. The only difference is, that *Stephen* Fay is given instead of "Joseph Fay," which was, possibly, a slip of the pen or an error of the press. In any event, the list embraces fourteen, which is too large a number.[3] In the absence

[1] *Ante* p. 19. This may mean that they were appointed simply to verify the copy. The editor is of opinion that JONAS FAY and IRA ALLEN were the authors, chiefly, of the petition, and that it was drawn in anticipation of the Convention. FAY was chairman of the committee appointed to draw it, and also one of the agents selected to present it to Congress. IRA ALLEN was not in the habit of waiting for an appointment to act on such occasions. He was "the ready writer" of his day, and a willing one.

[2] *Vt. Hist. Mag.*, vol. I, p. 234.

[3] Since the above was in type, the editor has received a letter from Mr. READ, dated March 5, 1873, in which he says he does not recollect his authority, though he presumed it to be undoubted. He wrote with the Stevens' papers in his possession, but he suggests that he may have

of all undoubted authority, the probability of LYON having been a member must be deduced from known facts concerning him at the time. He went into Arlington to reside in 1777, with THOMAS CHITTENDEN and JOHN FASSETT, jr., not to become permanent residents, but for the express purpose of overthrowing the power of the Tories in that town. LYON had before lived with CHITTENDEN, and now they took opposite houses and constructed a vault between the two as a prison for Tories. JOHN FASSETT, Jr., was also in the immediate neighborhood, and IRA ALLEN was only three miles off. Capt. HEMAN ALLEN is not named, but he certainly could not be very far from IRA. Here, then, were certainly *three* members of the Council of Safety: why should not LYON —a recognized associate with all the rest, not many years after becoming the son-in-law of CHITTENDEN,—why should not LYON be the fourth member of the Council located in this most important strategetical point? His character as a bold and energetic man, his intense patriotism, and his talents, were equal to the position. His age was thirty-one, being five years the senior of IRA ALLEN. A fact of some moment is, that shortly after, in 1778, LYON was elected deputy Secretary of the Governor and Council, when seven members of the Council of Safety were in that body. He was deputy Secretary of the Council often, and Secretary of the Board of War. This shows not only that his aptitude for public affairs was recognized, but also that he was entrusted with the secrets of the Council, which was then acting as a Council of Safety and Board of War. Assuming, as it is certainly safe to do, that LYON was qualified for the place, his close relations with Chittenden and the Allens, and the *convenience* oftentimes of having him a member to make up a quorum, in the frequent absences of IRA and the illness of HEMAN ALLEN, are the strong points in favor of the probability that he, rather than any other man suggested by Mr. WHITE, or any other man who can be sug-

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taken his list from D. P. THOMPSON'S address before the Vt. Historical Society, Oct. 24, 1850. Mr. R. admits that *Stephen* was an error for Joseph Fay. Thompson's list agrees with Mr. White's. D. P. Thompson's historical statements are to be taken with great allowances for error. His habit for years was to build superstructures of fiction upon a very narrow basis of fact, having the air but not the accuracy of history. His address was eminently of that character. Messrs. White, Thompson and Read all include LYON in the Council, and yet their lists prove too much, by giving too many members. In *Vt. Hist. Soc. Collections*, vol. II, pp. 135–7, are the reports of British agents, who speak of LYON as expressing to them the views of the Governor and his Council; and one of them says he [Lyon] was "one of the Council." Lyon was never a member of any "Council," unless it was the Council of Safety, which closed more than two years previous to these reports. He did act at times as Secretary of the Governor and Council. Probably this evidence is valuable only as it shows that Lyon was in the confidence of the

gested, was the *twelfth member of the Council of Safety.* There was, perhaps, one man in Eastern Vermont who might be as reasonably suggested but for one consideration,—and that was JOSEPH MARSH. The fatal objection is, that he could not attend without abandoning his family and business for months. The great point of danger was in and near Bennington county; there the Council must constantly sit to be effective, and there it actually did sit for nearly eight months, and until within a week of the state organization which superseded it. Another name might have been suggested in western Vermont, that of JOHN FASSETT, Jr.; but with his military duties, and the exactions upon his time and energies as Commissioner of Sequestration, he had full enough to do.

It is remarkable, the editor must confess, if LYON was a member, that the fact should not somewhere appear from his own declarations, or from unquestioned contemporary sources. The truth, however, is, that records and traditions, thus far preserved, both of the Windsor Convention and the Council of Safety, are fragmentary: the records prove nothing as to three of the members. If LYON is to be rejected for want of *official* evidence, so are HEMAN ALLEN and JEREMIAH CLARK, at least. The claims of each of these rest either upon assertion simply, or upon known facts which raise a reasonable presumption of membership. The *official record* of the Council of Safety proves the following eight members only, and that by the offices they held—the office of *Secretary* not furnishing, in itself alone, absolute proof:

THOMAS CHITTENDEN, *President.*
JONAS FAY, *Vice President.*
MOSES ROBINSON, *President pro tem.*
IRA ALLEN, *Secretary.*
JOSEPH FAY, *Secretary.*
PAUL SPOONER, *Deputy Secretary.*
NATHAN CLARK, *Secretary pro tem.*
BENJAMIN CARPENTER, [by letter of Council.]

To be supplied by other evidence, there remain four members, to wit: HEMAN ALLEN, JACOB BAYLEY,[1] JEREMIAH CLARK, and MATTHEW LYON. The assertion of IRA ALLEN, that HEMAN ALLEN was a mem-

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Governor and Council, and thoroughly apprised of its most secret transactions. Gov. HALL concurs fully with the editor of this volume in omitting the names of Samuel Robinson, Thomas Rowley, and Gideon Olin from the roll of the Council of Safety.

[1] The official letter of the Council, in which Gen. JACOB BAYLEY and "Squire [Benjamin] SPENCER" are named as members, is a part of the missing record which has been recovered from other sources. It is undoubtedly genuine, but of course is not strictly *record evidence.* The record does show, however, that Mr. BAYLEY was appointed on a committee by the Council in September, 1778.

ber, is equivalent to record evidence, and so is the letter by the Council to Gen. BAYLEY, leaving only two who should be added and recorded as *members probably*, to wit: JEREMIAH CLARK and MATTHEW LYON.

It is reasonable to suppose that the gentlemen who had performed successfully the delicate and arduous duties of the Council of Safety from July '77 to March '78, would be retained in public service on the organization of the government under the constitution, and specially in the first Governor's Council, which also acted as Council of Safety and Board of War. We do accordingly find the following:

MARCH, 1778.

1. THOMAS CHITTENDEN, *Governor*,
2. IRA ALLEN, *State Treasurer and Councillor.*
3. NATHAN CLARK, *Speaker of the General Assembly.*
4. JOSEPH FAY, *Secretary of the Gov. and Council.*
5. JONAS FAY,
6. JEREMIAH CLARK,
7. BENJAMIN CARPENTER, } *Councillors.*
8. PAUL SPOONER,
9. JACOB BAYLEY,
10. MOSES ROBINSON,[1]

APRIL—OCTOBER, 1778.

11. MATTHEW LYON, *Dep. Sec'y of Governor and Council*, [April, May, July, and Oct. 8 to Nov. 24, 1778.]
4. JOSEPH FAY, *Secretary of State.*

It will thus be seen that every person then living, who is supposed to have been a member of the Council of Safety, was assigned to an honorable position within the first seven months of the existence of the State government. HEMAN ALLEN, the only exception, died May 18, 1778.

HILAND HALL [1868] added a few facts in addition to those already noted. President BOWKER, after having written by order of the convention to New Hampshire for aid, "also wrote to Gen. ST. CLAIR, informing him of what they had done." "The efforts of the Vermont Convention for the relief of Ticonderoga were duly appreciated by Gen. St. Clair." In a letter dated at Col. Mead's, (Rutland), July 7, addressed to the President of that body, he gives a brief explanation of the necessity he was under to evacuate that post, and says: "The exertions of the Convention to reinforce us at Ticonderoga merit my warmest thanks, though they have been too late to answer the good purpose they intended."[2] In still another letter of the 9th he added: "Your Convention have given such proofs of their readiness to concur in any measure for the public safety, that it would be impertinent to press them now."[3] Mr. Hall further added:

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[1] See Roll of the first Council, and note, *post.*

[2] See *ante*, p. 66.

[3] *Gen. St. Clair to Jonas Fay, Secretary to State Vermont.*
COLONEL MARSHE'S, July 9th, 1777.

*Sir*,—I have just now received a Letter from General Schuyler directing that Col°. Warner's Regiment, with the Militia of your State, should

The Convention also voted to establish a loan office, and appointed IRA ALLEN its trustee, as we learn from an advertisement in the *Connecticut Courant*, of August 18th, 1777, in which Mr. ALLEN over his signature as trustee informed the public "that agreeably to a resolution of the Convention," he had opened a loan office at Bennington, where those disposed to lend any sum amounting to ten pounds might receive security in behalf of the state, payable in one or more years with interest at six per cent. per annum.

After due deliberation, the Convention adopted a constitution for the government of the new state, directed the first election for state officers to be holden the ensuing December, and the legislature to meet at Bennington the succeeding January. The Convention appointed a Council of Safety to manage the affairs of the state until the government should go into operation under the Constitution, and then, on the 8th day of July, after a session of six days, adjourned.[1]

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be left for the Protection of the People, and I have, by this Conveyance, wrote to the Colonel to acquaint him thereof. The General also desires that all the Cattle may be drove further down than where it may be thought proper that Col° Warner take Post, and that all the Carriages that may be of use to the Enemy be brought off or destroyed. He also desires that all the Cattle in the Condition for Killing may be sent on by a safe route to Fort Edward, where he now is with some Continental Troops and Militia. A large reinforcement from Peekshill is on their March from Albany to join him, and if I can be supplied with provisions at Manchester, I shall also join him with the utmost expedition, where we shall have force sufficient to check the progress of the Enemy. Your Convention have given such proofs of their readiness to concur in any measure for the public safety, that it would be impertinent to press them now ; I will only repeat the request that I made before that the Militia from the Eastward Marching [to] No. 4 may be directed to take the shortest route to Join the Army.

I am, Sir, Your humble Servant, A. ST. CLAIR.

To JONAS FAY, *Sec'y to State Vermont.*

P. S. Previous to the receipt of your Letter of the 6th inst. I had directed the Militia of your State that were with me to remain at Rutland for the protection of the People until your Convention should direct otherwise and am pleased to find myself in Sentiment with them, and with General Schuyler. The Militia that can be raised in your Country will I think keep the people in security, for in my opinion they have little to fear except the Depredation of a few Indians. Fort Ann was attacked the day before yesterday and the Enemy repulsed with considerable loss.

True Copy, Examined by ISRAEL ALLEN, *Sec'y.*

See *Vt. Hist. Soc. Col.*, Vol. I, p. 178.

[1] *Early History of Vt.*, 254–257.

## SECOND SESSION OF THE CONVENTION AT WINDSOR,

## DECEMBER 24, 1777.

"The journals of the several sittings of the Convention are not to be found." So wrote WILLIAM SLADE in 1823. He recited the order of the July Convention, for the first election under the Constitution in December, 1777, noted its failure, and added: "The Convention was therefore summoned by the Council of Safety to meet at Windsor on the 24th of December, 1777. They met, revised the Constitution, and postponed the day of election until the first Tuesday of March, 1778, and the sitting of the Assembly until the second Thursday of the same month."[1]

IRA ALLEN was of course a member, as he was appointed to procure the printing of the Constitution. His statements, as to the difficulties encountered and motives that ruled this Convention at both sessions, indicate that he must have been present and active at both. His account is as follows:

Now[2] many of the citizens of Vermont returned to their habitations. The Council of Safety again paid attention to the constitution, and made a preamble, stating the reasons why the citizens had rejected all connections with New York; but as there was not time, before the day assigned for the election, to print and publish the constitution, therefore the Convention was summoned to meet at Windsor, in December, 1777: they met, revised the constitution, and appointed the first election to be on the 12th day of March, 1778. One difficulty was discovered by some members of the Convention, who concluded the best way to evade it was, to keep it in as small a circle as possible; the difficulty was, to establish the constitution without the voice of the people, further than was vested in the Convention by their credentials, that authorized them to form a constitution, but were silent as to its ratification, and they had no ancient government to predicate their claims upon; besides intestine divisions and different opinions prevailed among the people, and even in the Convention. To avoid discord, a large majority, in one instance, conformed to a minority, when deliberating on the articles of the constitution. As the people seemed inclined for a popular government, the constitution was so made, and for the better satisfying those who might choose any difference in the form of government, and as circumstances or increasing knowledge might make it necessary, a principle was established in the constitution, by which legal means might be taken to alter or amend the constitution once in seven years, agreeable to the will of

[1] Slade's *State Papers*, p. 80. The order of the Council of Safety will be found *post*, under date of Nov. 25, 1777.

[2] After the surrender of Burgoyne and the withdrawal by Carleton of British forces south of Canada line.

the majority of the freemen of the State, which, if perpetuated, would transmit to posterity the same privileges of choosing how they would be governed, as the people of that day exercised from the inherent right of nature, without revolution or bloodshed. Had the constitution been then submitted to the consideration of the people for their revision, amendment, and ratification, it is very doubtful whether a majority would have confirmed it, considering the resolutions of Congress, and their influence at that time, as well as the intrigues and expence of the provincial Congress of New York, who endeavoured to divide and subdivide the people. Under these circumstances the Convention appointed Ira Allen to see the constitution printed and distributed before the election. Mr. Allen returned from Hartford, in Connecticut, a few days before the time of the general election, with the constitution printed, and dispersed it. There was one (or more) in each town who coveted the honour of being a member in the first general Assembly of the new State of Vermont. It was, therefore, their interest to induce their friends to attend the meeting, and take the freeman's oath. This was done, and representatives were elected, and attended the Assembly at Windsor, on the 12th of March, 1778, when and where the votes of the freemen for a Governor, a Lieutenant Governor, 12 Counsellors, and a Treasurer, were sorted and counted, and the persons who had the majority of votes for the respective offices, were declared duly elected.

Thus the constitution of the State of Vermont was put in force, and Bennington was the only town that objected against the constitution, for the want of a popular ratification of it. Only twenty-one freemen qualified in that town, who elected representatives for the first general Assembly, but as the people and the assembly approved of the constitution, which was subject to a revision and amendment every seven years, the Bennington objection died away, and universal content has prevailed in the State.[1]

This revelation suggests the probable reasons for the neglect of the Convention to publish a detailed account of its proceedings. Its work in July was incomplete ; the people of the state from the beginning of July until autumn were constantly alarmed; many had sought safety by joining the enemy, of which they subsequently repented; many more had taken their families to New Hampshire, Massachusetts, and Connecticut, and probably not a single town on the west side of the mountain north of Pittsford could hold an election until the inhabitants had returned. Aside from the objection, (likely to be popular,) that the Constitution had not been subjected to a vote of the people, it certainly was prudent to defer both an election and all discussion of the action of the Convention, until the Constitution could be printed and distributed. For these reasons probably the record of the Convention was not published. Thus the Constitution itself was left to herald whatever it had of merits or defects, and unfriendly discussion seems to have been generally avoided. While we have not an official record of the proceedings of the Convention, we have its chief work in the Constitution which it adopted. The editor cannot better close the account of the Conven-

[1] Ira Allen's *History of Vt.*, pp. 107–110 ; or *Vt. Hist. Soc. Collections*, vol. I, pp. 391–393.

tions,[1] than by giving the following extract from Hiland Hall's *Early History of Vermont*, pp. 268–270.

The constitution which had been framed by the convention of July, 1777, provided for the holding of an election under it in the following December, and for the meeting of the assembly in January ; but owing to "the troubles of the war and the encroachments of the enemy," it was found impracticable to have it printed and circulated in season for such an election. The council of safety, in consequence, requested the president of the convention to call the members together again on the 24th of December. This was accordingly done, when the time for the first election was postponed until the first Wednesday in March, and the assembly was required to meet at Windsor, on the second Thursday of the same month.

The constitution, which was now finally completed, was preceded by a preamble in which the reasons for separating from New York and forming a new government, were stated in some detail, but which, as they have already been substantially given, will not now be repeated.

The constitution was in the main a copy of that of Pennsylvania, which had been earnestly recommended as a model by Dr. Thomas Young, the early friend of Vermont, and which was also understood to have the approval of Dr. Franklin and other eminent statesmen. In some important particulars, the Vermont constitution was an improvement upon that of Pennsylvania. This was especially the case in the first section of the declaration of rights, which announced, in formal terms, the natural rights of man, to life, liberty, and the pursuit of happiness. The convention added to this "glittering generality" a clause as follows: "Therefore, no male person born in this country, or brought from over sea, ought to be holden by law, to serve any person as a servant, slave or apprentice, after he arrives to the age of twenty-one years, nor female in like manner, after she arrives to the age of eighteen years, unless they are bound by their own consent, after they arrive to such age, or bound by law for the payment of debts, damages, fines, costs, or the like." Vermont was thus the first of the states to prohibit slavery by constitutional provision, a fact of which Vermonters may well be proud.

The form of government was strongly democratic in its character. The elective franchise was given to "*every man* of the full age of twenty-one years" who had resided in the state for one year. Every such person was also eligible to any office in the state. The legislative power was vested in a single assembly of members chosen annually by ballot by the several towns in the state. Each town was to have one representative, and those towns having more than eighty taxable inhabitants, were entitled to two. The executive authority was in a governor, lieutenant governor and twelve councillors elected annually by ballot of the whole freemen of the state. The governor and council had no negative power, but it was provided that "all bills of a public nature" before they were finally debated in the general assembly should be laid before the governor and council "for their perusal and proposals of amendment," and also "printed for the information of the people," and that they should not be enacted into laws until the succeeding session of the assembly. From this provision was excepted "temporary acts" which in cases of "sudden emergency" might be passed without being delayed till the next session. The difficulties of a literal compliance with this article were so great that it was found necessary, in the first instance, to treat nearly all

[1] The record of the Charlestown [N. H.] Convention of Jan. 16, 1781, is reserved for the *Appendix.*

laws as temporary, and at the succeeding session to declare them permanent. In practice under this clause of the constitution, bills were allowed to originate in the council as well as in the house of assembly, and in cases of disagreement between the two bodies upon any measure the matter was usually discussed in grand committee composed of both, the governor presiding. And although the final disposition of any measure was according to the pleasure of the house, the advisory power of the council had a strong tendency to prevent hasty and inconsiderate legislation. This article continued a part of the constitution until it was revised in 1786, when the provision for printing and postponing the passage of laws was expunged, and in addition to the advisory power of the governor and council, they were authorized to suspend the operation of a bill passed by the house until the next session of the legislature, when in order to become a law it must be again passed by the assembly.

This article in the original constitution in regard to the mode of enacting laws had been copied literally from the constitution of Pennsylvania, as was also a section which provided for the election by the freemen of the respective counties of "judges of inferior courts of common pleas, sheriffs, justices of the peace and judges of probate," who were to hold their offices "*during good behaviour*, removable by the general assembly upon proof of maladministration." The mode of choosing judges of superior courts was left to the discretion of the legislature, and they were always elected *annually* by joint ballot of the council and assembly; and on the revision of the constitution in 1786, it was provided that county officers should also be annually chosen in the same manner. This frame of government, thus modified, continued in operation long after the state became a a member of the federal union, furnishing the people with as much security for their persons and property as was enjoyed by those of other states, and allowing to each individual citizen all the liberty which was consistent with the welfare of others. [1]

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[1] For the constitution of 1777, see Slade's *State Papers*, p. 241, and *post.* For that of 1786, see statutes of 1787. For a history of the formation of the first constitution, see Chipman's *Memoir of Chittenden.* See also Slade's *State Papers*, pp. 81, 221, and 511.

# THE FIRST
# CONSTITUTION
OF THE
# STATE OF VERMONT,
ADOPTED
IN CONVENTION AT WINDSOR,
AT THE SESSIONS OF
JULY 2–8 AND DEC. 24, 1777.

# INTRODUCTION.

THIS Constitution, with the exception of the Preamble and of less than fifty lines of the "Declaration of Rights" and "Plan or Frame of Government," is a copy of the first Constitution of Pennsylvania, which was framed in 1776 by a Convention of which BENJAMIN FRANKLIN was the President. Of one material feature, in which it differed from all the other state constitutions of that period except of Pennsylvania and Georgia, FRANKLIN was the author, and during his life a defender: this was the investment of a single body (the representatives of the towns and people, called the "General Assembly,") with exclusive and supreme legislative power, giving to the Governor, Lieutenant Governor and Council *advisory power only* in the preparation and amendment of bills, and *executive power* over laws and orders enacted by the General Assembly.

The variations in the Constitution of Vermont, from that of Pennsylvania, are all *additions;* and, to enable the reader to recognize them, these *additions* are all printed in *Italic*, leaving the remainder to stand as in the text of the Constitution of Pennsylvania. The most important additions,—which may be counted as the work mainly of Dr. THOMAS YOUNG, IRA ALLEN, Capt. HEMAN ALLEN, and THOMAS CHITTENDEN—are as follows:[1]

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[1] See Dr. Young's letters, *Appendix* D. The following items are from an account of Ira Allen against the State:

| | | | |
|---|---|---|---|
| 1777, Nov. 2. To 15 days going from Salisbury (Conn.) to Williamstown, (Mass.) and there with President Chittenden writing the Preamble to the Constitution, &c., from there to Bennington to confer with the Council [of Safety] respecting s'd Preamble—assisting to complete compiling from manuscript the Constitution of the State, | £7 | 10 | 0 |
| Expense money, | 3 | 2 | 8 |
| 1777, Nov. 20. To cash paid John Knickerbacor for copying the Constitution for the press, | | 18 | 0 |
| 1777, Nov. 26. To 3 days going from Salisbury to Hartford to get the Constitution printed, | 1 | 10 | 0 |

See Thompson's *Vermont*, Part II, p. 107.

The editor has already suggested that the agents sent by Vermont to Congress, who had interviews with Dr. Young, would most probably be

I. *Slavery prohibited.*—Art. I of the Declaration of Rights.

II. *Compensation secured for private property taken for public uses.*—Art. II of the Declaration of Rights.

III. *Security of Protestants against civil disabilities on account of religion.*—Articles III of the Declaration of Rights, and Section IX of the Plan or Frame of Government.

IV. *The right to govern the internal police inherent in the people of the State solely.*—Art. IV of the Declaration of Rights.

V. *No writ against the person or property of a debtor to issue unless the creditor shall make oath that he is in danger of losing his debt.*—Art. XII of Declaration of Rights.

VI. *No person to be transported for trial out of the State for an offense committed within it.*—Art. XIX of Declaration of Rights.

VII. *Form of Freeman's Oath.*—Sec. VI of Plan or Frame of Government.

VIII. *Provisions against the hasty enactment of laws of a public nature, and restriction of powers of the Governor and Council.*—Sec. XIV of the Plan or Frame of Government.

IX. *General Assembly to regulate fishing, &c.*—Sec. XXXIX of Plan or Frame of Government.

X. *Vermont* substituted for Pennsylvania wherever it occurs.

## Amendments of 1786.

This Constitution was amended in several particulars by the Convention holden at Manchester in June, 1786, the most important being the following :

*Additional Section.*—The legislative, executive and judiciary departments shall be kept separate and distinct, so that neither exercise the powers properly belonging to the other.

*Fourth Section of the Declaration of Rights.*—The words "by their legal representatives" were added to the original section, so as to read as follows :

That the people, *by their legal representatives*, have the sole, exclusive, and inherent right of governing and regulating the internal police of the same.

*Fourteenth Section of the Plan or Frame of Government..*—A substitute was adopted [being Sec. 16 in the Constitution of 1793] in these words :

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the committee to draft the Constitution. These were Jonas Fay, Thomas Chittenden, Heman Allen and Reuben Jones, all of whom, except Dr. Jones, were members of the Council of Safety, and would be likely to be present at the meeting in November when the Constitution was "compiled" according to Mr. Allen's account above.

To the end that laws, before they are enacted, may be more maturely considered, and the inconvenience of hasty determinations as much as possible prevented, all bills which originate in the Assembly shall be laid before the Governor and Council, for their revision and concurrence or proposals of amendment; who shall return the same to the Assembly with their proposals of amendment (if any) in writing; and if the same are not agreed to by the Assembly, it shall be in the power of the Governor and Council to suspend the passage of such bills until the next session of the Legislature. Provided, that if the Governor and Council shall neglect or refuse to return any such bill to the Assembly, with written proposals of amendment, within five days, or before the rising of the Legislature, the same shall become a law.

## Amendments, 1793 to 1870.

The principal amendments in 1793 were four new sections, numbered 17, 18, 19, and 30, in the Constitution of 1793, severally providing that no money shall be drawn from the treasury unless first appropriated by act of legislature; that no person shall be eligible as representative until he has resided two years in the State, and one year in the town for which he is elected; that no member of the council or house of representatives shall, directly or indirectly, receive any fee or reward to bring forward or advocate any bill, &c., or advocate any cause as counsel in either house except when employed in behalf of the state; and no person shall be eligible as governor or lieutenant governor until he shall have resided in the state four years.

The text of the Constitution, as it was left by the amendments of 1793, has been preserved entire until this time, and unchanged except by such marks and references as have been required to indicate the effect of subsequent amendments, which have been *appended* to the Constitution of 1793, with necessary references. In order, therefore, to master in detail the various changes in the Constitution from the first, all that is necessary is a comparison of the original Constitution, in this volume following, with the existing Constitution and amendments above indicated, and those found in the *General Statutes of Vermont*, and in the *Vt. Legislative Directory* since 1870.

## The Preamble.

The preamble was drafted in November, 1777, by Ira Allen, completed on consultation with the Council of Safety, and adopted by the Windsor Convention at its session in December, 1777. It first disappeared from the Vermont statute books in Haswell's compilation of 1791, and did not reappear until a very recent date in the *Legislative Directory*. The editor is of opinion that it was omitted from the statute book in 1791 without legal authority: that is, that it had never been rescinded by any formal vote in Convention. That the Convention of 1786 did not rescind or annul the Preamble is evident first from a lack of any record of such an event, and second from the fact that the Preamble was published

with the Constitution in the Revised Statutes of the succeeding year, 1787. The next Convention was in 1793, and no record appears of any action on the Preamble by that Convention, or by the Council of Censors which called it to pass upon the amendments that were proposed. It is known, however, that the Convention of 1793 transcended the ordinance that called it, and in fact in a considerable degree revamped the Constitution, without restoring the Preamble which had been omitted in 1791. As in the year 1790 the controversy with New York had been amicably settled, a generous courtesy doubtless dictated the suppression of a state document so distasteful to a reconciled foe, but still it seems to the editor that fidelity to history demands that the Preamble shall be preserved, and the facts as to its courteous suppression for much more than half a century should be recorded.

## The Origin of the Constitution.

As the Constitution of Vermont was almost a copy, *verbatim et literatim*, of the Pennsylvania Constitution of 1776, it will be at least a matter of interest to all, and perhaps of surprise to many, to know that the origin of the essential and marked features of the instrument lies nearly a century further back, in "The Frame of the Government of the Province of Pennsylvania, in America," granted by William Penn, with the authority of King Charles the Second, on the "five and twentieth day of the second month, vulgarly called April,[1] in the year of our Lord one thousand six hundred and eighty-two." Daniel Chipman recognized this fact, and gave copious extracts from Penn's "Frame."[2] A selection from some of these extracts, and an abstract of others, will serve to show the close relation which Penn's "Frame of Government" bears to the "Plan or Frame of Government" of Vermont.

*Imprimis*, That the government of this province shall, according to the powers of the patent, consist of the Governor and freemen of the said province in form of a provincial Council, and general assembly, [Vermont's Governor, Council, and General Assembly,] by whom all laws shall be made, officers chosen, and public affairs transacted, as is hereafter respectively declared, that is to say—

II. That the freemen of the said province shall, on the twentieth day of the twelfth month which shall be in this present year, one thousand six hundred eighty and two, meet and assemble in some fit place, of which timely notice shall be beforehand given by the governor and his deputy; and then and there shall choose out of themselves *seventy-two* persons of most note for their wisdom, virtue and ability, [the Vermont phrase for representative is, "most noted for wisdom and virtue,"] who shall meet on the tenth day of the first month next ensuing, and always be called, and act as, the provincial council of the said province.

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[1] March was the first month of the year among the Romans: and even in England, until 1752, the legal year began on the 26th of March.

[2] *Memoir of Thomas Chittenden*, Chapter III.

The Councillors were divided into three classes of twenty-four each, one class being elected each year. The seventy-two Councillors were divided into four committees of eighteen, of which each class of Councillors had three: to one committee being assigned plantations, cities, roads, posts and market-towns ; to another, justice and safety; to another, trade and treasury ; and to the fourth, manners, education and arts.

VI. That in this provincial Council, the governor or his deputy, shall or may always preside, and have a treble voice, and the said provincial Council shall always continue and sit upon its own adjournments and Committees.

In Vermont, the governor or lieutenant governor presided in the Council, and the Council sat upon its own adjournments, without regard to the General Assembly, and by its own committees, or jointly with the committees of the Assembly—most commonly the latter.

VII. That the governor and provincial council shall prepare and propose to the general assembly, hereafter mentioned, all bills, which they shall, at any time, think fit to be passed into laws, within the said province, which bills shall be published and affixed to the most noted places, in the inhabited parts thereof, thirty days before the meeting of the general assembly, in order to the passing them into laws, or rejecting of them as the general assembly shall seem meet.

This was the practice of the Vermont Council at the outset, and the preparation of bills formed a large part of its business. By section XIV of the Plan or Frame of Government, no public bill could be passed by the General Assembly until it had been printed for the consideration of the people and laid over until the next session of the General Assembly, which ordinarily would be after another election of representatives. Theoretically, therefore, no public bill could be passed until the people had first had an opportunity of examining it and instructing their representatives.

VIII. That the governor and provincial council shall take care that all laws, statutes and ordinances, which shall at any time be made within the said province, be duly and diligently executed.

In Vermont, the Governor and Council was "to take care that the laws be faithfully executed."—See Secs. III and XVIII of the Plan or Frame.

IX. That the governor and provincial council shall, at all times, have the care of the peace and safety of the province, and that nothing be by any person attempted to the subversion of this frame of government.

Here was the germ of the Vt. Council of Safety of 1777-8, and of the action of the Governor and Council, afterward, as a Council of Safety.

XII. That the governor and provincial council shall erect and order all public schools, and encourage and reward the authors of useful sciences and laudable inventions in the said province.

In Vermont the duty of providing schools was put upon the "legislature" instead of the governor and council alone, and the grades of schools

were specified, viz : common schools, grammar schools, and a university. —See Sec. XL of Plan or Frame.

XIV. And, to the end that all laws prepared by the governor and provincial council aforesaid, may yet have the more full concurrence of the freemen of the province, it is declared, granted and confirmed, that at the time and place or places for the choice of a provincial council, as aforesaid, the said freemen shall yearly choose members to serve in a general assembly, as their representatives, not exceeding two hundred persons, who shall yearly meet, &c., [with the governor and council,] and on the ninth day from their so meeting, the said general assembly, after reading over the proposed bills by the clerk of the counеil, and the occasions and motives for them being opened by the governor or his deputy, shall give their affirmative or negative, which to them seemeth best, in such manner as herein after is expressed. But not less than two-thirds shall make a *quorum* in the passing of laws, and choice of such officers as are by them to be chosen.

Here is the germ of the annual election and session of the Vermont General Assembly. It is a fact that Penn's mode of procedure was frequently imitated in Vermont, the Governor and Council meeting and advising with the House or General Assembly on important occasions. In one instance, Gov. Chittenden himself introduced a bill to the House —a bill to establish Chittenden County.

XV. That the laws so prepared and proposed, as aforesaid, that are assented to by the general assembly, shall be enrolled as laws of the province, with this style : "*By the governor, with the assent and approbation of the freemen in provincial council and general assembly.*"

In Vermont, "by the Representatives of the Freemen of the State of Vermont, in general assembly met, and by authority of the same." See Sec. XV of the Plan or Frame.

XIX. That the general assembly shall continue as long as may be useful to impeach criminals, fit to be there impeaehed, to pass bills into laws, and till such time as the governor and provincial council shall declare that they have nothing further to propose unto them, for their assent and approbation ; and that declaration shall be a dismiss to the general assembly for that time, which general assembly shall be, notwithstanding, capable of assembling together upon the summons of the provincial council, at any time during the year, if the said provincial Council shall see occasion for their so assembling.

In Vermont, the Council and Assembly adjourned without day by agreement ; but the custom was and is for each house to inquire whether the governor has any further business to communicate. Special sessions of the assembly were called by the Governor and Council under the first Constitution—and are by the governor now.—See Sec. XVIII of the Plan or Frame of the first Constitution ; but 8 of the amendments to the present Constitution, which covers Sec. 11 of the Constitution of 1793.

XX. That all the elections of members, or representatives of the people, to serve in provincial council and general assembly, and all questions to be determined by both, or either of them, that relate to passing of bills into laws, to the choice of officers, to impeachments by the provincial council, and to all the cases by them respectively judged of im-

portance, shall be resolved and determined by the ballot; and unless on sudden and indispensable occasions, no business in provincial council or its respective committees, shall be finally determined the same day that it is moved.

See Constitution of Vermont, "Plan or Frame of Government," Sections XIII and XXIX, and the rules of the present Senate and House as to the third reading of bills.

XXIII. That no act, law, or ordinance, whatsoever, shall at any time, hereafter, be made or done by the governor of this province, his heirs or assigns, to alter, change, or diminish the form or effect of this charter, or any part or clause thereof, or contrary to the true intent and meaning thereof, without the consent of the governor, his heirs or assigns, and *six parts of seven of the said freemen in provincial council or general assembly.*

Widely different in form as is the forty-fourth section of the Vermont Plan or Frame, yet in it are distinct traces of the foregoing. Vermont required the assent first of a council specially elected, (the Council of Censors,) instead of the Governor and Council, and finally of the freemen through a general assembly specially elected, (the Convention,) instead of the legislative assembly. A majority of the Convention could adopt changes, instead of six sevenths being required as in Pennsylvania; but the six sevenths feature is recognized nevertheless, for in Vermont no amendment could even be *proposed* in six years out of seven.—See Sec. XLIV of the Plan or Frame.

Of course there were some and wide differences in the details of the two plans of government—a chief one being in the tenure of the office of governor, being in Vermont elective annually, and in Pennsylvania for life, not elective but hereditary; but many strong family resemblances between the two are obvious. Whatever our judgment now may be—doubtless for the most part it is, like that of JOHN ADAMS, NATHANIEL and DANIEL CHIPMAN, unfavorable, when comparing the old system of one supreme legislative body with two different branches of co-ordinate powers now in vogue,—it is nevertheless certainly true that Vermont was governed well and commanded the respect of other states, under the gentle wings of the good Quaker and great philosopher of Pennsylvania, WILLIAM PENN and BENJAMIN FRANKLIN, who were the real authors of remarkable features in the first Constitution of Vermont.

# CONSTITUTION

OF THE

# STATE OF VERMONT,

## AS ESTABLISHED BY CONVENTION,

JULY 2, [AND DECEMBER 24,] 1777.

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### [PREAMBLE.]

WHEREAS, all government ought to be instituted and supported, for the security and protection of the community, as such, and to enable the individuals who compose it, to enjoy their natural rights, and the other blessings which the Author of existence has bestowed upon man; and whenever those great ends of government are not obtained, the people have a right, by common consent, to change it, and take such measures as to them may appear necessary to promote their safety and happiness.

And whereas, the inhabitants of this State have, (in consideration of protection only) heretofore acknowledged allegiance to the King of Great Britain, and the said King has not only withdrawn that protection, but commenced, and still continues to carry on, with unabated vengeance, a most cruel and unjust war against them; employing therein, not only the troops of Great Britain, but foreign mercenaries, savages and slaves, for the avowed purpose of reducing them to a total and abject submission to the despotic dominion of the British parliament, with many other acts of tyranny, (more fully set forth in the declaration of Congress,) whereby all allegiance and fealty to the said King and his successors, are dissolved and at an end; and all power and authority derived from him, ceased in the American Colonies.

And whereas, the territory which now comprehends the State of *Vermont*, did antecedently, of right, belong to the government of *New-Hampshire;* and the former Governor thereof, viz. his Excellency *Benning Wentworth*, Esq., granted many charters of lands and corporations, within this State, to the present inhabitants and others. And whereas, the late Lieutenant Governor *Colden*, of *New York*, with others, did, in violation of the tenth command, covet those very lands; and by a false representation made to the court of Great Britain, (in the year 1764, that for the convenience of trade and administration of justice, the inhabitants were desirous of being annexed to that government,) obtained jurisdiction of those very identical lands, *ex-parte;* which ever was, and is, disagreeable to the inhabitants. And whereas, the legislature of *New-York*, ever have, and still continue to disown the good people of this

State, in their landed property, which will appear in the complaints hereafter inserted, and in the 36th section of their present constitution, in which is established the grants of land made by that government

They have refused to make re-grants of our lands to the original proprietors and occupants, unless at the exorbitant rate of 2300 dollars fees for each township ; and did enhance the quitrent, three fold, and demanded an immediate delivery of the title derived before, from *New-Hampshire.*

The judges of their supreme court have made a solemn declaration, that the charters, conveyances, &c., of the lands included in the before described premises, were utterly null and void, on which said title was founded ; in consequence of which declaration, writs of possession have been by them issued, and the sheriff of the county of Albany sent, at the head of six or seven hundred men, to enforce the execution thereof.

They have passed an act, annexing a penalty thereto, of thirty pounds fine and six months imprisonment, on any person who should refuse assisting the sheriff, after being requested, for the purpose of executing writs of possession.

The Governors, *Dunmore*, *Tryon* and *Colden*, have made re-grants of several tracts of land, included in the premises, to certain favorite land jobbers in the government of *New-York*, in direct violation of his Britannic majesty's express prohibition, in the year 1767.

They have issued proclamations, wherein they have offered large sums of money, for the purpose of apprehending those very persons who have dared boldly, and publicly, to appear in defence of their just rights.

They did pass twelve acts of outlawry, on the 9th day of March, A. D. 1774, impowering the respective judges of their supreme court, to award execution of death against those inhabitants in said district that they should judge to be offenders, without trial.

They have, and still continue, an unjust claim to those lands, which greatly retards emigration into, and the settlement of, this State.

They have hired foreign troops, emigrants from *Scotland*, at two different times, and armed them, to drive us out of possession.

They have sent the savages on our frontiers, to distress us.

They have proceeded to erect the counties of Cumberland and Glocester, and establish courts of justice there, after they were discountenanced by the authority of Great Britain.

The free Convention of the State of *New-York*, at *Harlem*, in the year 1776, unanimously voted, "That all quit-rents formerly due to the King of Great Britain, are now due and owing to this Convention, or such future government as shall be hereafter established in this State."

In the several stages of the aforesaid oppressions, we have petitioned his Britannic majesty, in the most humble manner, for redress, and have, at very great expense, received several reports in our favor ; and in other instances, wherein we have petitioned the late legislative authority of *New-York*, those petitions have been treated with neglect.

And whereas, the local situation of this State, from *New-York*, at the extream part, is upwards of four hundred and fifty miles from the seat of that government, which renders it extream difficult to continue under the jurisdiction of said State,

Therefore, it is absolutely necessary, for the welfare and safety of the inhabitants of this State, that it should be, henceforth, a free and independent State ; and that a just, permanent and proper form of government, should exist in it, derived from, and founded on, the authority of the people only, agreeable to the direction of the honorable American Congress.

We the representatives of the freemen of *Vermont*, in General Convention met, for the express purpose of forming such a government,—confessing the goodness of the Great Governor of the Universe, (who alone, knows to what degree of earthly happiness, mankind may attain, by perfecting the arts of government,) in permitting the people of this State, by common consent, and without violence, deliberately to form for themselves, such just rules as they shall think best for governing their future society; and being fully convinced that it is our indispensable duty, to establish such original principles of government, as will best promote the general happiness of the people of this State, and their posterity, and provide for future improvements, without partiality for, or prejudice against, any particular class, sect, or denomination of men whatever,—do, by virtue of authority vested in us, by our constituents, ordain, declare, and establish, the following declaration of rights, and frame of government, to be the CONSTITUTION of this COMMONWEALTH, and to remain in force therein, forever, unaltered, except in such articles, as shall, hereafter, on experience, be found to require improvement, and which shall, by the same authority of the people, fairly delegated, as this frame of government directs, be amended or improved, for the more effectual obtaining and securing the great end and design of all government, herein before mentioned.

## CHAPTER I.

### A DECLARATION OF THE RIGHTS OF THE INHABITANTS OF THE STATE OF VERMONT.

I. THAT all men are born equally free and independent, and have certain natural, inherent and unalienable rights, amongst which are the enjoying and defending life and liberty; acquiring, possessing and protecting property, and pursuing and obtaining happiness and safety. *Therefore, no male person, born in this country, or brought from over sea, ought to be holden by law, to serve any person, as a servant, slave or apprentice, after he arrives to the age of twenty-one years, nor female, in like manner, after she arrives to the age of eighteen years, unless they are bound by their own consent, after they arrive at such age, or bound by law, for the payment of debts, damages, fines, costs, or the like.*[1]

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[1] This was the first Emancipation Act in America. That it was not "a glittering generality"—as was the assertion of the equality of human rights in the declaration of national independence, and also in other state constitutions—appears from the following act of the General Assembly of Vermont, passed October session 1786:

AN ACT to prevent the sale and transportation of Negroes and Mulattoes out of this State.

Whereas, by the Constitution of this State, all the subjects of this commonwealth, of whatever colour, are equally entitled to the inestimable blessings of freedom, unless they have forfeited the same by the commission of some crime; and the idea of slavery is expressly and totally exploded from our free government:

And whereas, instances have happened of the former owners of Negro slaves in this commonwealth, making sale of such persons as slaves, *notwithstanding their being liberated by the Constitution;* and attempts been made to transport such persons to foreign parts, in open violation of the laws of the land:

II. *That private property ought to be subservient to public uses, when necessity requires it; nevertheless, whenever any particular man's property is taken for the use of the public, the owner ought to receive an equivalent in money.*[1]

III. That all men have a natural and unalienable right to worship ALMIGHTY GOD, according to the dictates of their own consciences and understanding, regulated by the word of GOD: and that no man ought, or, of right, can be compelled to attend any religious worship, or erect, or support any place of worship, or maintain any minister, contrary to the dictates of his conscience; nor *can any man who professes the protestant religion* be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiment, or peculiar mode of religious worship, and that no authority can, or ought to be vested in, or assumed by,

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*Be it therefore enacted, &c.*, that if any person shall, hereafter, make sale of any subject of this State, or shall convey, or attempt to convey any subject out of this State, with intent to hold or sell such person as a slave; every person so offending, and convicted thereof, shall forfeit and pay to the persons injured, for such offence, the sum of one hundred pounds, and cost of suit; to be recovered by action of debt, complaint or information.—See D. Chipman's *Memoir of Chittenden*, pp. 82, 83; Slade's *State Papers*, p. 505.

The first deed of emancipation recorded in Vermont, (none being necessary under the Constitution,) was based on the right of a captor, under a resolve of Congress, to dispose of prizes taken in war, as well as on the good conscience of Capt. ALLEN, and of *the men under his command.* It is as follows:

HEAD QUARTERS, Pollet, 28th November, 1777.

*To whom it may concern know ye*

Whereas Dinah Mattis, a negro woman with Nancy her child of two months old was taken prisoner on Lake Champlain with the British troops somewhere near Col. Gilliner's patten [patent] the twelfth day of instant November by a scout under my command, and according to a resolve passed by the honorable the Continental Congress that all prizes belong to the captivators thereof—therefore she and her child became the just property of the captivators thereof—I being conscientious that it is not right in the sight of God to keep slaves—I therefore obtaining leave of the detachment under my command to give her and her child their freedom—I do therefore give the said Dinah Mattis and Nancy her child their freedom to pass and repass any where through the United States of America with her behaving as becometh, and to trade and to traffic for herself and child as though she was born free, without being molested by any person or persons.—In witness whereunto I have set my hand or subscribed my name. EBENEZER ALLEN, *Capt.*

BENNINGTON Town Clerk's Office, July 26, 1870.

I certify that the foregoing is truly copied from Book No. 3 of said town records, recorded by Moses Robinson when town clerk.

D. F. SQUIRES, *Town Clerk.*

See *Vt. Historical Soc. Collections*, vol. I, p. 249.

[1] The parts in *Italic* are the additions to or changes (often of name simply,) in the Constitution of Pennsylvania of 1776, to adapt it to Vermont.

any power whatsoever, that shall in any case, interfere with, or in any manner controul, the rights of conscience, in the free exercise of religious worship: *nevertheless, every sect or denomination of people ought to observe the Sabbath, or the Lord's day, and keep up, and support, some sort of religious worship, which to them shall seem most agreeable to the revealed will of God.*[2]

IV. *That the people of this State have the sole, exclusive and inherent right of governing and regulating the internal police of the same.*

V. That all power being originally inherent in, and consequently, derived from, the people; therefore, all officers of government, whether legislative or executive, are their trustees and servants, and at all times accountable to them.

VI. That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation or community; and not for the particular emolument or advantage of any single man, family or set of men, who are a part only of that community; and that the community hath an indubitable, unalienable and indefeasible right to reform, alter, or abolish government, in such manner as shall be, by that community, judged most conducive to the public weal.

VII. That those who are employed in the legislative and executive business of the State, may be restrained from oppression, the people have a right, at such periods as they may think proper, to reduce their public officers to a private station, and supply the vacancies by certain and regular elections.

VIII. That all elections ought to be free; and that all freemen, having a sufficient, evident common interest with, and attachment to, the community, have a right to elect officers, or be elected into office.

IX. That every member of society hath a right to be protected in the enjoyment of life, liberty and property, and therefore, is bound to contribute his proportion towards the expense of that protection, and yield his personal service, when necessary, or an equivalent thereto; but no part of a man's property can be justly taken from him, or applied to public uses, without his own consent, or that of his legal representatives; nor can any man who is conscientiously scrupulous of bearing arms, be justly compelled thereto, if he will pay such equivalent; nor are the people bound by any law, but such as they have in like manner, assented to, for their common good.

X. That, in all prosecutions for criminal offences, a man hath a right to be heard, by himself and his counsel—to demand the cause and nature of his accusation—to be confronted with the witnesses—to call for evidence in his favor, and a speedy public trial, by an impartial jury of the country; without the unanimous consent of which jury he cannot be found guilty; nor can he be compelled to give evidence against himself; nor can any man be justly deprived of his liberty, except by the laws of the land or the judgment of his peers.

XI. That the people have a right to hold themselves, their houses, papers and possessions free from search or seizure; and therefore warrants, without oaths or affirmations first made, affording a sufficient foundation for them, and whereby any officer or messenger may be com-

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[2] See *Appendix* E.

manded or required to search suspected places, or to seize any person or persons, his, her or their property, not particularly described, are contrary to that right, and ought not to be granted.

XII. *That no warrant or writ to attach the person or estate of any freeholder within this state, shall be issued in civil action, without the person or persons, who may request such warrant or attachment, first make oath, or affirm, before the authority who may be requested to issue the same, that he, or they, are in danger of losing his, her or their debts.*

XIII. That, in controversies respecting property, and in suits between man and man, the parties have a right to a trial by jury; which ought to be held sacred.

XIV. That the people have a right to freedom of speech, and of writing and publishing their sentiments; therefore, the freedom of the press ought not to be restrained.

XV. That the people have a right to bear arms for the defence of themselves and the State; and, as standing armies, in the time of peace, are dangerous to liberty, they ought not to be kept up; and that the military should be kept under strict subordination to, and governed by, the civil power.

XVI. That frequent recurrence to fundamental principles, and a firm adherence to justice, moderation, temperance, industry and frugality, are absolutely necessary to preserve the blessings of liberty, and keep government free. The people ought, therefore, to pay particular attention to these points, in the choice of officers and representatives, and have a right to exact a due and constant regard to them, from their legislators and magistrates, in the making and executing such laws as are necessary for the good government of the State.

XVII. That all people have a natural and inherent right to emigrate from one State to another, that will receive them; or to form a new State in vacant countries, or in such countries as they can purchase, whenever they think that thereby they can promote ther own happiness.

XVIII. That the people have a right to assemble together, to consult for their common good—to instruct their representatives, and to apply to the legislature for redress of grievances, by address, petition or remonstrance.

XIX. *That no person shall be liable to be transported out of this State, for trial, for any offence committed within this State.*

## CHAPTER II.

### PLAN OR FRAME OF GOVERNMENT.

#### SECTION I.

THE COMMONWEALTH OR STATE OF *VERMONT*, shall be governed hereafter, by a Governor, Deputy Governor, Council, and an Assembly of the Representatives of the Freemen of the same, in manner and form following.

#### SECTION II.

The supreme legislative power shall be vested in a House of Representatives of the Freemen or Commonwealth or State of *Vermont*.

#### SECTION III.

The supreme executive power shall be vested in a Governor and Council.

SECTION IV.

Courts of justice shall be established in every county in this State.

SECTION V.

The freemen of this Commonwealth, and their sons, shall be trained and armed for its defence, under such regulations, restrictions and exceptions, as the General Assembly shall, by law, direct; reserving always to the people, the right of choosing their colonels of militia, and all commissioned officers under that rank, in such manner, and as often, as by the said laws shall be directed.

SECTION VI.

Every man of the full age of twenty-one years, having resided in this State for the space of one whole year, next before the election of representatives, *and who is of a quiet and peaceable behaviour, and will take the following oath (or affirmation,)* shall be entitled to all the privileges of a freeman of this State.

*I ——— ——— solemnly swear, by the ever living God, (or affirm in the presence of Almighty God.) that whenever I am called to give my vote or suffrage, touching any matter that concerns the State of Vermont, I will do it so, as in my conscience, I shall judge will most conduce to the best good of the same, as established by the constitution, without fear or favor of any man.*

SECTION VII.

The House of Representatives of the Freemen of this State, shall consist of persons most noted for wisdom and virtue, to be chosen by the freemen of every town in this State, respectively. And no foreigner shall be chosen, unless he has resided in the town for which he shall be elected, one year immediately before said election.

SECTION VIII.

The members of the House of Representatives, shall be chosen annually, by ballot, by the freemen of this State, on the first Tuesday of September, forever, (except this present year) and shall meet on the second Thursday of the succeeding October, and shall be stiled the General Assembly of the Representatives of the Freemen of *Vermont;* and shall have power to choose their Speaker, Secretary of the State, their Clerk, and other necessary officers of the house—sit on their own adjournments —prepare bills and enact them into laws—judge of the elections and qualications of their own members—they may expel a member, but not a second time for the same cause—They may administer oaths (or affirmations) on examination of witnesses—redress grievances—impeach State criminals—grant charters of incorporation—constitute towns, boroughs, cities and counties, and shall have all other powers necessary for the legislature of a free State: but they shall have no power to add to, alter, abolish, or infringe, any part of this constitution. And for this present year the members of the General Assembly shall be chosen on the first Tuesday of March next, and shall meet at the meeting-house, in *Windsor*, on the second Thursday of March next.[1]

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[1] The constitution, as established on the 2d of July, 1777, provided that the first election should be holden in December, and that the Assembly should meet in January following. December 24, 1777, the Convention met by order of the Council of Safety, and the times of the first election and session of the General Assembly were fixed as in the text.

SECTION IX.

A quorum of the house of representatives shall consist of two thirds of the whole number of members elected ; and having met and chosen their speaker, shall, each of them, before they proceed to business, take and subscribe, as well the oath of fidelity and allegiance herein after directed, as the following oath or affirmation, viz.

I ——— ——— do solemnly swear, by the ever living God, (or, I do solemnly affirm in the presence of Almighty God) that as a member of this assembly, I will not propose or assent to any bill, vote or resolution which shall appear to me injurious to the people ; nor do or consent to any act or thing whatever, that shall have a tendency to lessen or abridge their rights and privileges, as declared in the Constitution of this State ; but will in all things, conduct myself as a faithful, honest representative and guardian of the people, according to the best of my judgment and abilities.

And each member, before he takes his seat, shall make and subscribe the following declaration, viz.

I do believe in one God, the Creator and Governor of the universe, the rewarder of the good and punisher of the wicked. And I do acknowledge the scriptures of the old and new testament to be given by divine inspiration, *and own and profess the protestant religion.*

And no further or other religious test shall ever, hereafter, be required of any civil officer or magistrate in this State.

SECTION X.

Delegates to represent this State in Congress shall be chosen, by ballot, by the future General Assembly, at their first meeting, and annually, forever afterward, as long as such representation shall be necessary. Any Delegate may be superceded, at any time, by the General Assembly appointing another in his stead. No man shall sit in Congress longer than two years successively, nor be capable of re-election for three years afterwards ; and no person who holds any office in the gift of the Congress, shall, thereafter, be elected to represent this State in Congress.

SECTION XI.

If any town or towns shall neglect or refuse to elect and send representatives to the General Assembly, two thirds of the members of the towns that do elect and send representatives, (provided they be a majority of the inhabited towns of the whole State) when met, shall have all the powers of the General Assembly, as fully and amply as if the whole were present.

SECTION XII.

The doors of the house in which the representatives of the freemen of this State, shall sit, in General Assembly, shall be and remain open for the admission of all persons, who behave decently, except only, when the welfare of this State may require the doors to be shut.

SECTION XIII.

The votes and proceedings of the General Assembly shall be printed, weekly, during their sitting, with the yeas and nays, on any question, vote or resolution, where one third of the members require it ; (except when the votes are taken by ballot) and when the yeas and nays are so taken, every member shall have a right to insert the reasons of his votes upon the minutes, if he desire it.

SECTION XIV.

To the end that laws, before they are enacted, may be more maturely considered, and the inconveniency of hasty determination as much as

possible prevented, all bills of public nature, *shall be first laid before the Governor and Council, for their perusal and proposals of amendment, and shall be printed for the consideration of the people, before they are read in General Assembly for the last time of debate and amendment; except temporary acts, which, after being laid before the Governor and Council, may (in case of sudden necessity) be passed into laws;* and no other shall be passed into laws, until the next session of assembly. And for the more perfect satisfaction of the public, the reasons and motives for making such laws, shall be fully and clearly expressed and set forth in their preambles.[1]

SECTION XV.

The style of the laws of this State shall be,—"Be it enacted, and it is hereby enacted, by the Representatives of the Freemen of the State of *Vermont*, in General Assembly met, and by the authority of the same."

SECTION XVI.

In order that the Freemen of this State might enjoy the benefit of election, as equally as may be, each town within this State, that consists, or may consist, of eighty taxable inhabitants, within one septenary or

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[1] It is obvious that, in accordance with this section, the first session of the General Assembly, March 1778, could have passed such public acts only as "the sudden necessity" of the time required. Of these some were temporary, to stand until better considered measures could be adopted. By a vote of the Council of Safety of Jan. 17, 1778, it seems that body performed the functions assigned to it of preparing business for the General Assembly; and by minutes on the journal of the Assembly it appears that the first governor and council also prepared a few bills. The journals of the Assembly indicate the following acts of that session:

Act establishing counties each side of the mountain, Bennington and Unity; the latter changed by amendment to Cumberland.

Act providing attorneys for county courts, and fixing fees.

Act fixing places for holding county elections.

Act of affirmation for Quakers.

Act relating to highways.

Act establishing the common law [of England] in Vermont.

Act regulating town meetings.

Act to regulate the catching of fish in White river.

Act specifying probate districts.

Act authorizing the governor and council to dispose of the estates of tories, and to draw the lines of defense.

Act relating to the militia.

Acts from the Connecticut statutes to punish treason and other atrocious crimes; and against treacherous conspiracies.

There may have been a few others, probably one on the grand list, of which, however, the minutes in the journal are not definite. These acts were never printed, and most of them were soon superseded by others. A committee was appointed to make copies for each town in Cumberland county. Western Vermonters could find the acts at Bennington.

seven years, next after the establishing this constitution, may hold elections therein, and choose each, two representatives: and each other inhabited town in this State may, in like manner, choose each, one representative, to represent them in General Assembly, during the said septenary or seven years; and after that, each inhabited town may, in like manner, hold such election, and choose each, one representative, forever thereafter.

SECTION XVII.

The Supreme Executive Council of this State, shall consist of a Governor, Lieutenant-Governor, and twelve persons, chosen in the following manner, viz. The Freemen of each town, shall, on the day of election for choosing representatives to attend the General Assembly, bring in their votes for Governor, with his name fairly written, to the constable, who shall seal them up, and write on them, votes for the Governor, and deliver them to the representative chosen to attend the General Assembly; and, at the opening of the General Assembly, there shall be a committee appointed out of the Council, and Assembly, who, after being duly sworn to the faithful discharge of their trust, shall proceed to receive, sort, and count, the votes for the Governor, and declare the person who has the major part of the votes, to be Governor, for the year ensuing. And if there be no choice made, then the Council and General Assembly, by their joint ballot, shall make choice of a Governor.

The Lieutenant Governor and Treasurer, shall be chosen in the manner above directed; and each freeman shall give in twelve votes for twelve councillors, in the same manner; and the twelve highest in nomination shall serve for the ensuing year as Councillors.

The Council[1] that shall act in the recess of this Convention, shall supply the place of a Council for the next General Assembly, until the new Council be declared chosen. The Council[2] shall meet annually, at the same time and place with the General Assembly; and every member of the Council shall be a Justice of the Peace for the whole State, by virtue of his office.

SECTION XVIII.

The Governor, and in his absence, the Lieutenant or Deputy Governor, with the Council—seven of whom shall be a quorum—shall have power to appoint and commissionate all officers, (except those who are appointed by the General Assembly,) agreeable to this frame of government, and the laws that may be made hereafter; and shall supply every vacancy in any office, occasioned by death, resignation, removal or disqualification, until the office can be filled, in the time and manner directed by law or this constitution. They are to correspond with other States, and transact business with officers of government, civil and military; and to prepare such business as may appear to them necessary to lay before the General Assembly. They shall sit as judges to hear and determine on impeachments, taking to their assistance, for advice only, the justices of the supreme court; and shall have power to grant pardons, and remit fines, in all cases whatsoever, except cases of impeachment, and in cases of treason and murder—shall have power to grant reprieves, but not to pardon, until the end of the next session of the Assembly: but there shall be no remission or mitigation of punishment, on impeachment, except by act of legislation. They are also, to take

[1] Meaning the *Council of Safety.*

[2] Meaning the *Supreme Executive Council* created by the first clause of this section.

care that the laws be faithfully executed. They are to expedite the execution of such measures as may be resolved upon by General Assembly; and they may draw upon the Treasurer for such sums as may be appropriated by the House: they may also lay embargoes, or prohibit the exportation of any commodity for any time, not exceeding thirty days, in the recess of the House only: they may grant such licences as shall be directed by law, and shall have power to call together the General Assembly, when necessary, before the day to which they shall stand adjourned. The Governor shall be commander in chief of the forces of the State; but shall not command in person, except advised thereto by the Council, and then, only, as long as they shall approve thereof. The Governor and Council shall have a Secretary, and keep fair books of their proceedings, wherein any Councillor may enter his dissent, with his reasons to support it.

SECTION XIX.

All commissions shall be in the name of the freemen of the State of *Vermont*, sealed with the State seal, signed by the Governor, and in his absence the Lieutenant Governor, and attested by the Secretary; which seal shall be kept by the Council.

SECTION XX.

Every officer of State, whether judicial or executive, shall be liable to be impeached by the General Assembly, either when in office, or after his resignation, or removal for mal-administration. All impeachments shall be before the Governor or Lieutenant Governor and Council, who shall hear and determine the same.

SECTION XXI.

The supreme court, and the several courts of common pleas of this State shall, besides the powers usually exercised by such courts, have the powers of a court of chancery, so far as relates to perpetuating testimony, obtaining evidence from places not within this State, and the care of persons and estates of those who are *non compotes mentis*, and such other powers as may be found necessary by future General Assemblies, not inconsistent with this constitution.

SECTION XXII.

Trials shall be by jury; and it is recommended to the legislature of this State to provide by law, against every corruption or partiality in the choice, and return, or appointment, of juries.

SECTION XXIII.

All courts shall be open, and justice shall be impartially administered, without corruption or unnecessary delay; all their officers shall be paid an adequate, but moderate, compensation for their services; and if any officer shall take greater or other fees than the laws allow him, either directly or indirectly, it shall ever after disqualify him from holding any office in this State.

SECTION XXIV.

All prosecutions shall commence in the name and by the authority of the freemen of the State of *Vermont*, and all indictments shall conclude with these words, "against the peace and dignity of the same." The style of all process hereafter, in this State, shall be,—The State of *Vermont.*

SECTION XXV.

The person of a debtor, where there is not a strong presumption of fraud, shall not be continued in prison, after delivering up, *bona fide*, all

his estate, real and personal, for the use of his creditors, in such manner as shall be hereafter regulated by law. All prisoners shall be bailable by sufficient securities, unless for capital offences, when the proof is evident or presumption great.

SECTION XXVI.

Excessive bail shall not be exacted for bailable offences ; and all fines shall be moderate.

SECTION XXVII.

That the General Assembly, when legally formed, shall appoint times and places for county elections, and at such times and places, the freemen in each county respectively, shall have the liberty of choosing the judges of inferior court of common pleas, sheriff, justices of the peace, and judges of probate, commissioned by the Governor and Council, during good behavior, removable by the General Assembly upon proof of mal-administration.

SECTION XXVIII.

That no person, shall be capable of holding any civil office, in this State, except he has acquired, and maintains a good moral character.

SECTION XXIX.

All elections, whether by the people or in General Assembly, shall be by ballot, free and voluntary; and any elector who shall receive any gift or reward for his vote, in meat, drink, monies or otherwise, shall forfeit his right to elect at that time, and suffer such other penalty as future laws shall direct. And any person who shall, directly or indirectly, give, promise, or bestow, any such rewards to be elected, shall, thereby, be rendered incapable to serve for the ensuing year.

SECTION XXX.

All fines, licence money, fees and forfeitures, shall be paid, according to the direction hereafter to be made by the General Assembly.

SECTION XXXI.

All deeds and conveyances of land shall be recorded in the town clerk's office, in their respective towns.

SECTION XXXII.

The printing presses shall be free to every person who undertakes to examine the proceedings of the legislature, or any part of government.

SECTION XXXIII.

As every freeman, to preserve his independence (if without a sufficient estate) ought to have some profession, calling, trade or farm, whereby he may honestly subsist, there can be no necessity for, nor use in, establishing offices of profit, the usual effects of which are dependence and servility, unbecoming freemen, in the possessors or expectants; faction, contention, corruption and disorder among the people. But if any man is called into public service, to the prejudice of his private affairs, he has a right to a reasonable compensation; and whenever an office, through increase of fees, or otherwise, becomes so profitable as to occasion many to apply for it, the profits ought to be lessened by the legislature.

SECTION XXXIV.

The future legislature of this State, shall regulate entails, in such manner as to prevent perpetuities.

SECTION XXXV.

To deter more effectually from the commission of crimes, by continued visible punishment of long duration, and to make sanguinary punish-

ments less necessary; houses ought to be provided for punishing, by hard labor, those who shall be convicted of crimes not capital; wherein the criminal shall be employed for the benefit of the public, or for reparation of injuries done to private persons; and all persons, at proper times, should be admitted to see the prisoners at their labor.

SECTION XXXVI.

Every officer, whether judicial, executive or military, in authority under this State, shall take the following oath or affirmation of allegiance, and general oath of office, before he enter on the execution of his office.

The oath or Affirmation of Allegiance.

"I ——— ——— do solemnly swear by the ever living God, (or affirm in presence of Almighty God,) that I will be true and faithful to the State of *Vermont;* and that I will not, directly or indirectly, do any act or thing, prejudicial or injurious, to the constitution or government thereof, as established by Convention."

The Oath or Affirmation of Office.

"I ——— ——— do solemnly swear by the ever living God, (or affirm in presence of Almighty God) that I will faithfully execute the office of ——— for the ——— of ———; and will do equal right and justice to all men, to the best of my judgment and abilities, according to law."

SECTION XXXVII.

No public tax, custom or contribution shall be imposed upon, or paid by, the people of this State, except by a law for that purpose; and before any law be made for raising it, the purpose for which any tax is to be raised ought to appear clear to the legislature to be of more service to the community than the money would be, if not collected; which being well observed, taxes can never be burthens.

SECTION XXXVIII.

Every foreigner of good character, who comes to settle in this State, having first taken an oath or affirmation of allegiance to the same, may purchase, or by other just means acquire, hold, and transfer, land or other real estate; and after one years residence, shall be deemed a free denizen thereof and be entitled to all the rights of a natural born subject of this State; except that he shall not be capable of being elected a representative, until after two years residence.

SECTION XXXIX.

That the inhabitants of this State, shall have liberty to hunt and fowl, in seasonable times, on the lands they hold, and on other lands (not enclosed;) and, in like manner, to fish in all boatable and other waters, not private property, *under proper regulations, to be hereafter made and provided by the General Assembly.*

SECTION XL.

A school or schools shall be established in each town, by the legislature, for the convenient instruction of youth, with such salaries to the masters, paid by each town, making proper use of school lands in each town, thereby to enable them to instruct youth at low prices. One grammar school in each county, and one university in this State, ought to be established by direction of the General Assembly.

SECTION XLI.

Laws for the encouragement of virtue and prevention of vice and immorality, shall be made and constantly kept in force; and provision shall be made for their due execution; and all religious societies and bodies of

men, that have or may be hereafter united and incorporated, for the advancement of religion and learning, or for other pious and charitable purposes, shall be encouraged and protected in the enjoyment of the privileges, immunities and estates which they, in justice, ought to enjoy, under such regulations, as the General Assembly of this State shall direct.

SECTION XLII.

All field and staff officers, and commissioned officers of the army, and all general officers of the militia, shall be chosen by the General Assembly.

SECTION XLIII.

The declaration of rights is hereby declared to be a part of the Constitution of this State, and ought never to be violated on any pretence whatsoever.

SECTION XLIV.

In order that the freedom of this Commonwealth may be preserved inviolate, forever, there shall be chosen, by ballot, by the freemen of this State, on the last Wednesday in March, in the year one thousand seven hundred and eighty-five, and on the last Wednesday in March, in every seven years thereafter, thirteen persons, who shall be chosen in the same manner the council is chosen—except they shall not be out of the Council or General Assembly—to be called the Council of Censors ; who shall meet together, on the first Wednesday of June next ensuing their election; the majority of whom shall be a quorum in every case, except as to calling a Convention, in which two thirds of the whole number elected shall agree ; and whose duty it shall be to enquire whether the constitution has been preserved inviolate, in every part ; and whether the legislative and executive branches ofgovernment have performed their duty as guardians of the people ; or assumed to themselves, or exercised, other or greater powers, than they are entitled to by the constitution. They are are also to enquire whether the public taxes have been justly laid and collected, in all parts of this Commonwealth—in what manner the public monies have been disposed of, and whether the laws have been duly executed. For these purposes they shall have power to public censures—to order impeachments, and to recommend to the legis- send for persons, papers and records : they shall have authority to pass lature the repealing such laws as appear to them to have been enacted contrary to the principles of the constitution. These powers they shall continue to have, for and during the space of one year from the day of their election, and no longer. The said Council of Censors shall also have power to call a Convention, to meet within two years after their sitting, if there appears to them an absolute necessity of amending any article of this constitution which may be defective—explaining such as may be thought not clearly expressed, and of adding such as are necessary for the preservation of the rights and happiness of the people ; but the articles to be amended, and the amendments proposed, and such articles as are proposed to be added or abolished, shall be promulgated at least six months before the day appointed for the election of such convention, for the previous consideration of the people, that they may have an opportunity of instructing their delegates on the subject.

# COUNCIL OF SAFETY

OF THE

# STATE OF VERMONT.

JULY 8, 1777—MARCH 12, 1778.

# INTRODUCTION.

THE first volume in manuscript of the records of the Council of Safety, and of the Governor and Council of the State of Vermont, has the following statement prefixed:

The first 20 pages in this Book is left blank for the purpose of Entering the Minutes of the Council of Safety of the State of Vermont from January 1776 [to] the 15th August 1777, during which time Colo Ira Allen was Secretary and has the Minutes of sd Council in his possession.

Certified by JOSEPH FAY, *Sec'y.*

March 18th, 1788.

It is evident, therefore, that the official record is imperfect, in that it contains no entry for the period indicated in the above certificate. Following the record for Dec. 20, 1777, is the following:

The end of the Proceedings of Council as recorded in Book No. 1, entered in this book this 22d day of March 1788.

By order of the Governor and Council,

JOSEPH FAY, *Sec'y.*

From the number of pages in the copy, "Book No. 1" must have contained about one quire of paper, and it is most probable that it was unbound except by stitching. Books of that sort were probably used for several years. Other evidence is found that the early records of the Council of Safety, of the Conventions, of the Governor and Council, and of the General Assembly, had been loosely kept and were not in a fit state for preservation; and chief is the following record of a vote of the Governor and Council, June 18, 1778:

Voted that Doctr. Jonas Fay, Colo. Moses Robinson and Captain Ira Allen, Esqrs. be and they are hereby appointed a committee to Inspect into the votes or doings of the several Conventions from [blank for the insertion of dates] Together with the doings of the Council of Safety, the present Council and house of Representatives, and put them in Regular order, and Record them in Books for that purpose.

It will be seen that the official record of the Council of Safety is not a regular journal of daily proceedings, but simply a record of "votes or doings," in resolves, orders, letters, &c., the preservation of which was deemed desirable. It would be impossible to recast the record in the

form of a journal; but the various proceedings recorded may be presented in chronological order, [they are not so in the official record,] and such acts or letters of the Council as are not recorded, and can be gathered from other sources, may be inserted in the proper places. This has been done, care being taken to note the various papers thus recovered, either by inserting them as notes, or in the appendix, and indicating the source from which they were obtained if inserted in the body of recorded proceedings. The doings of the Council previous to Aug. 15, 1777, of course precede the official record.

## POWERS OF THE COUNCIL.

The Council of Safety was appointed July 8, 1777, as a temporary substitute for a state government in time of war. For that purpose its power was, like that of every other State Council, limited only by the exigencies of the times. It was also specifically vested, by the Convention which created it, with all the powers of that constitutional body which consisted of the "Governor, Lieutenant Governor, and Council," though of course without the Governor and Lieutenant Governor.[1] Its acts and orders for the time being had the force of laws; it was itself the executor of them, or it appointed executors; it exercised judicial powers; it served as a board of war; it punished public enemies, or reprieved them; it transacted business civil and military with other States and with Congress; it prepared business for the first General Assembly; it was THE STATE.

The special powers conferred upon the Council of Safety by the Constitution of July 8, 1777, are as follows:

The Council [of Safety] that shall act in the recess of this Convention, shall supply the place of a Council for the next General Assembly, until the new Council be declared chosen. The Council[2] shall meet annually, at the same time and place with the General Assembly; and every member of the Council shall be a Justice of the Peace for the whole State, by virtue of his office.

SECTION XVIII.

The Governor, and in his absence, the Lieutenant or Deputy Governor, with the Council—seven of whom shall be a quorum—shall have power to appoint and commissionate all officers, (except those who are appointed by the General Assembly,) agreeable to this frame of government, and the laws that may be made hereafter; and shall supply every

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[1] The President, Vice President, and Secretary of the Council were its executive officers, and, so far as necessary, they performed the same functions as did the Governor, Lieutenant Governor, and Secretary of State, after the organization of the State government under the constitution.

[2] Meaning the *Supreme Executive Council* created by the first clause of section seventeen of the Plan or Frame of Government.

vacancy in any office, occasioned by death, resignation, removal, or disqualification, until the office can be filled, in the time and manner directed by law or this constitution. They are to correspond with other States, and transact business with officers of government, civil and military; and to prepare such business as may appear to them necessary to lay before the Geneaal Assembly. They shall sit as judges to hear and determine on impeachments, taking to their assistance, for advice only, the justices of the supreme court; and shall have power to grant pardons, and remit fines, in all cases whatsoever, except cases of impeachment, and in cases of treason and murder—shall have power to grant reprieves, but not to pardon, until the end of the next session of the Assembly: but there shall be no remission or mitigation of punishment, on impeachments, except by act of legislation. They are also to take care that the laws be faithfully executed. They are to expedite the execution of such measures as may be resolved upon by General Assembly; and they may draw upon the Treasurer for such sums as may be appropriated by the House: they may also lay embargoes, or prohibit the exportation of any commodity for any time, not exceeding thirty days, in the recess of the House only: they may grant such licences as shall be directed by law, and shall have power to call together the General Assembly, when necessary, before the day to which they shall stand adjourned. The Governor shall be commander in chief of the forces of the State; but shall not command in person, except advised thereto by the Council, and then, only as long as they shall approve thereof. The Governor and Council shall have a Secretary, and keep fair books of their proceedings, wherein any Councillor may enter his dissent, with his reasons to support it.

MEMBERS OF THE COUNCIL.

HEMAN ALLEN, of Colchester.[1]
IRA ALLEN, of Colchester.[1]
JACOB BAYLEY, of Newbury.
BENJAMIN CARPENTER, of Guilford, [from Dec. 24, 1777, in place of Benj. Spencer, of Clarendon, Tory.]
THOMAS CHITTENDEN, of Williston.[1]
JEREMIAH CLARK, of Shaftsbury—[probably.]
NATHAN CLARK, of Bennington.
JONAS FAY, of Bennington.
JOSEPH FAY, of Bennington.
MATTHEW LYON, of Arlington—[probably.]
MOSES ROBINSON, of Bennington.
PAUL SPOONER, of Hartland.

OFFICERS.

THOMAS CHITTENDEN, *President.*
JONAS FAY, *Vice President.*
IRA ALLEN, to Sept. 6, 1777,
JOSEPH FAY, Sept. 6, 1777, to March 12, 1778, } *Secretary.*

[1] Their *homes* were in these towns, though at this time they were temporarily residents of Bennington county.

THE ALLEN FAMILY.

The presentation of the above names in alphabetical order puts first on this Roll of Honor two brothers out of five who were then residents of the State; and yet there was a third to whom by common consent at this day the same honor would be assigned—ETHAN ALLEN. He was, however, at that date, in duress as a prisoner of war. The most remarkable family in Vermont at that period, or indeed that has ever been in it, was the ALLEN FAMILY. A few others have been equally or more numerous, but the members of no one family have ever been both so eminent and so generally identified with the history of the State. From SAMUEL ALLEN, of Chelmsford, Mass., (in 1632,) and Windsor, Conn., (in 1636,) descended the six sons of JOSEPH ALLEN of Litchfield and Coventry, Conn., to wit: Gen. ETHAN, Capt. HEMAN, Maj. HEBER, Lieut. LEVI, ZIMRI, and Col. IRA; and also Hon. HEMAN ALLEN, of Colchester, son of Maj. Heber Allen. This Heman was called "Chili Allen," to distinguish him from other two Hemans. From MATTHEW ALLEN, a brother of the ancestor of JOSEPH the father of Ethan, &c., descended Major EBENEZER ALLEN of Tinmouth and Hon. HEMAN ALLEN of Milton, (afterwards of Burlington,) and their issue. To this is to be added the fact that MARY BAKER, wife of JOSEPH ALLEN and mother of Ethan, &c., was sister of the father of REMEMBER BAKER, the brave associate of Ethan Allen. BAKER and the six sons of JOSEPH ALLEN were therefore cousins. Finally, the mother of REMEMBER BAKER was aunt to SETH WARNER: and thus the most distinguished of the early heroes and statesmen of Vermont were allied far more intimately than by their common descent from Adam. In the *Ethan Allen Mss.*, close of the index, is the following record:

JOSEPH ALLEN was married at Woodbury, Connecticut, to Mary daughter of John Baker, March 11, 1737. She was sister of Remember Baker the father of Capt. Remember Baker who was born June 1737 at Woodbury, [Conn.] and killed near Canada line Aug 22d 1775. Joseph and Mary Allen's children were—

[Gen.] ETHAN—born at Litchfield, Conn., Jany 10, 1738, married Mary Brownson of Roxbury June 23, 1762, [who died at Sunderland early in the year 1783,[1] and was buried in the north cemetery, which had

[1] The following monumental inscription for MARY BROWNSON ALLEN was written by her husband, and published in the *Vermont Gazette*, Bennington, July 10, 1783. It is Gen. ALLEN'S only attempt at poetry so far as the editor knows:

Farewell, my friends, this fleeting world adieu,
My residence no longer is with you,
My children I commend to Heaven's care,
And humbly raise my hopes above despair:
And conscious of a virtuous transient strife,
Anticipate the joys of the next life;
Yet such celestial and ecstatic bliss
Is but in part conferred on us in this.

been deeded to the town by Ira Allen.—*Vt. Hist. Mag.* vol. I, pp. 135, 239. Married, Feb. 9, 1784, Mrs. Frances [Lydia, Fanny,] Buchanan,[1] widow of a British officer and daughter of Margaret Montuzan, who was second wife of the notorious tory, Crean Brush.—*Eastern Vermont*, pp. 604, 629: *Vt. Hist. Mag.*, vol. I, p. 764.] He died Feb$^{y}$ 13 [or 12] 1789, at Burlington.

[Capt.] HEMAN—born at Cornwall, Conn., October 15, 1740; died May 18, 1778.—I. Allen's *History*, p. 101, in *Vt. Hist. Soc. Coll.*, vol. I, p. 388.]

LYDIA—born at Cornwall, Conn., April 6, 1742. [Married a Mr. Finch, and lived and died in Goshen, Conn.—*Vt. Hist. Mag.*, vol. I, p. 561.]

[Major] HEBER—born at Cornwall, Conn., Oct. 4, 1743. [Father of Heman Allen of Colchester, known as "Chili Allen," who, on the death of his father Heber at Poultney, was adopted by Ira Allen. HEMAN ALLEN of Colchester was born in Poultney, Feb. 23, 1779, was member of Congress in 1817-18, and resigned in the latter year to accept the office of U. S. Marshal for the District of Vermont He was appointed Minister to Chili by President Monroe in 1823, resigned that office in 1828, and died at Highgate, April 9, 1852.—See *Dictionary of Congress*, and *Vt. Hist. Mag.*, vol. I, p. 764. HEMAN ALLEN of Milton and Burlington was of another line of the same Allen Family, son of Enoch Allen, born at Ashfield, Mass., June 14, 1777. He was a member of Congress eight years, 1827-29 and 1833-39, and died at Burlington Dec. 11, 1844.—*Dictionary of Congress*, and *Vt. Hist. Mag.*, vol. I, pp. 606-8, 840.]

[Lieut.] LEVI—born at Cornwall, Conn, July 16, 1745. [Died in Burlington in 1801.—*Vt. Hist. Mag.*, vol I, p. 562.]

LUCY—born at Cornwall, Conn., April 2, 1747. [Married a Dr. Bebee, and lived and died in Sheffield, Mass.—*Vt. Hist. Mag.*, vol. I, p. 561.]

ZIMRI—born at Cornwall, Conn., Dec. 14, 1748. [Died at Sheffield, Mass.—*Vt. Hist. Mag.*, vol. I, p. 562.]

[Col.] IRA, (the youngest)—born [at Cornwall, Conn, April 21, 1751. Married Jerusha, daughter of Gen. Robert Enos, and had three childred: Zimri, who died at Colchester, Aug. 22, 1813, aged 21; Ira H., who died at Irasburgh, April 29, 1866, in the 76th year of his age; and Maria Juliet, who died at St. Albans, August 18, 1811, aged 17 years.

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Confiding in the power of God most high,
His wisdom, goodness, and infinity,
Displayed, securely I resign my breath
To the cold, unrelenting stroke of death;
Trusting that God, who gave me life before,
Will still preserve me in a state much more
Exalted mentally beyond decay,
In the blest regions of eternal day.

However irreligious many suppose ETHAN ALLEN to have been, it is clear that he here recognized the sublime power of Christian faith in his wife. He represents her, not as being annihilated, but as having entered into "the blest regions of eternal day."—See Zadock Thompson's *Lecture on the Allen Family*, in *Vt. Hist. Mag.*, vol. I, p. 567.

[1] *Frances* Buchanan in *Eastern Vermont; Lydia* Buchanan in *Vt. Hist. Mag.*, vol. I, p. 567; and called *Fanny*, by Ira Allen in 1809, when she was the wife of Jabez Penniman.

Col. Ira Allen died at Philadelphia, Jan. 7, 1814, in the 62d year of his age.—*Vt. Hist. Mag.*, vol. I, pp. 770–776.][1]

Of the six sons of JOSEPH ALLEN, Zimri seems to have resided in the state no very long time—in any event, he is not named in history; and Levi was never a permanent resident. He was in the state in 1775, and served as lieutenant on the Whig side, but he soon left it and became and continued to be a Tory until the close of the revolutionary war. For this, Ethan Allen complained of him to the court of confiscation, Jan. 9, 1779, and his property was confiscated.[2] In 1786 he returned and was employed by the state as commissioner to negotiate a commercial treaty with the Provinces of Canada and Great Britain. It was a service for which his Tory proclivities fitted him, but he failed in it.[3] The four other sons rank among the fathers of Vermont, and two of them with the most eminent Vermonters of their day. Ethan, Heman, Zimri, and Ira Allen, with Remember Baker, constituted "The Onion River Land Company," and as such became the most extensive proprietors of land in the state—of course under the New Hampshire Grants originally, and subsequent to the state organization by grants from Vermont.[4] Thus the controversy with New York involved their title to landed property to an immense amount, and this stimulated them to their zealous, courageous, persistent, and finally successful efforts for the independence of the state. Levi Allen was the equal of his brothers in talents, en-

[1] It will be observed that the dates of the death of Heber and Zimri Allen are not given. Heber died at Poultney; and from a letter of Ira Allen to all the branches of the Allen family (in *Letters of Ira Allen*, in the State Library,) Feb. 9, 1809, it appears that Ethan, Heman, Heber and Zimri died previous to 1795. Heber was first town clerk of Poultney, and he was a member of the court of confiscation for the shire of Rutland in 1778—his last office apparently. He doubtless died soon after his service in this capacity, otherwise it is most probable his name would have appeared as representative of Poultney, or as an officer of Rutland county, which was organized in 1781. The birth of his son Heman is given above as Feb. 1779, and it is recorded that this son was adopted by Ira Allen; the inference being that he was young when his father died.

[2] Slade's *State Papers*, p. 563.

[3] *Vt. Hist. Soc. Collections*, vol. II, pp. 441, 445.

[4] In 1809 and 1810, IRA ALLEN estimated his real estate in Vermont to be worth, on a proper appraisal, from one million to one million and a half of dollars; which, he charged, "a conspiracy of men" was attempting to secure by fraudulent titles. As he had been, and was then, the administrator of the estates of Ethan, Capt. Heman, Levi, and Zimri Allen, and also of Remember Baker, and as such had taken all their land into his possession, this seems to be Allen's estimate of the value of the then remnants of the real estate of the Onion River Land Company. —See *Letters of Ira Allen*, in the State Library, pp. 18, 31.

ergy, enterprise and bravery, but not in patriotism and judgment. He was eccentric and unstable—as "the rolling stone that gathers no moss" —and he therefore garnered no such wealth of honor and renown as did they. From the first they seem to have doubted the character of Levi, since he was not a member of the great land company, and was afterward repudiated as a Tory. Of this an amusing piece of evidence is found in doggerel verses which were attributed, not without reason, to Levi Allen, as having been written when he was smarting under the loss of his property, which he charged to Ira, although Ethan entered the complaint. It shows that both Ethan and Ira regarded Levi as a great rogue, for which Levi took his revenge by counting Ira as the greatest rogue of the three. It is as follows :

THE THREE BROTHERS.

ETHAN.—Old Ethan once said over a full bowl of grog,
Though I believe not in Jesus, I hold to a God ;
There is also a Devil—you will see him one day
In a whirlwind of fire take Levi away.

IRA.—Says Ira to Ethan it plain doth appear
That you are inclined to banter and jeer ;
I think for myself and I freely declare
Our Levi's too stout for the prince of the air;
If ever you see them engaged in affray,
'Tis our Levi who'll take the Devil away.

LEVI.—Says Levi, your speeches make it perfectly clear
That you both seem inclined to banter and jeer;
Though through all the world my name stands enrolled
For tricks sly and crafty, ingenious and bold,
There is one consolation which none can deny
That there's one greater rogue in this world than I.

ETHAN AND IRA.—" Who's that ?" they both cry with equal surprise.

LEVI.—'Tis Ira ! 'tis Ira ! I yield him the prize.[1]

The fate of the sons of JOSEPH ALLEN was as remarkable as were the qualities of the men. Heber and Zimri did not become very prominent, and nothing remarkable is recorded of their end; but the other four were all marked men. Gen. Ethan's most vigorous days, and at the period when his services would have been most useful to his country, were wasted in a British prison, and he died suddenly at the age of fifty-one. Capt. Heman, whose public life opened with a fair promise of rich fruitage, died in his twenty-ninth year. Lieut. Levi was as brilliant in capacity and as daring in enterprise as either Ethan or Ira, but he was "unstable as water," and his life was a failure; while Ira the last

[1] *Vt. Hist. Mag.*, vol. I, p. 573.

born attained the longest age, rendered the most numerous and valuable services, and had the largest opportunities, but the immense wealth he acquired was wasted through protracted controversies at home and abroad; he was forced to quit the state he so successfully served, to preserve his personal liberty from exacting creditors; he died in poverty, and was buried in a stranger's grave with no stone to mark the spot.[1]

BIOGRAPHICAL NOTICES OF THE MEMBERS OF THE COUNCIL.

Capt. HEMAN ALLEN'S birth and death have been already recorded. Beyond these events in his short life we get only a few glimpses ; but these impress us with a strong conviction that in character and capacities he was fully the equal of the two brothers whose fame is now national. His name appears in the record of every Convention, save two, from July 1775 to July 1777; and of the last he was undoubtedly a member, as he was appointed by it on the Council of Safety. In two he was a delegate at large, or adviser and counsellor: once with SETH WARNER, and again with THOMAS CHITTENDEN, JONAS FAY, JEREMIAH CLARK, TIMOTHY BROWNSON, and IRA ALLEN, who were all in the first Governor's Council under the constitution. He was employed on the most important committees, sometimes as chairman, as of the committee of

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[1] In a letter to ELEAZER KEYES, July 3, 1810, IRA ALLEN wrote as follows:

It is very strange that my friends [heirs of Ethan Allen, &c.,] and Enemies act on one Principle to cut off my Resources, of many which has been considered the most sure means [by cutting them off] of Preventing me from obtaining Justice in Great Britain and Vermont. By this strange Coalition I was obliged to consert such measures as I could to Leave Burlington Prison, for it was the Price of my Life to be Liberated, for my Health was so much Injured by English and French and Vermont Prisons it was Certain Death to Remain there, nor have I yet Gained my Health although for much time constantly in use of Medical aid. On these Principles I left Burlington in 1803. "Skin for skin, yea all that a Man hath will he Give for his Life," are the words of Satan in answer to the Lord in the Book of Job. Are these the rewards for uncommon Exertions in Exploring a new Country before I was Twenty-one years of age, Concerting Plans for Extensive Purchases of Lands, the attention Paid to my Deceast friends [and] their Heirs, and Exertions for the Independence of Vermont and the United States?

In another letter, Oct. 9, 1809, to Mrs. FANNY PENNIMAN, widow of ETHAN ALLEN, he wrote:

I publicly, even in the newspapers, declared my determination to support the rights of the Heirs of my deceased friends, and commenced a Suit against Major Ormsby for the recovering of the old Homestead of my deceased brother; but was soon after obliged to fly from every thing dear to me in Vermont, to preserve my own existence; and not having fully regained my health lost in English, French, and Vermont Prisons, I shall not hastily expose my person to a Vermont Bastile.—*Letters of Ira Allen*, pp. 13, 34.

Jan. 1776 to fix the basis of representation of the towns in Convention, of the committee of July 1776 to treat with the inhabitants of eastern Vermont, and of Jan. 15, 1777, to prepare the "Declaration" for the press. He was also in the list of the first agents or commissioners appointed January 1776 to present the case of Vermont to Congress, and was appointed to the same office in January 1777. He attended upon Congress in 1776, and by his tact saved the state from an adverse decision by that body which at that time would have been greatly injurious if not fatal to the interests of Vermont. He thus stands out prominently as a leading man in the conventions, and the important and delicate duties assigned to him by his colleagues indicate even a higher degree of confidence in his judgment than they would probably accord to the more impulsive but older brother Ethan, or the much younger and perhaps more brilliant Ira. It is worth remarking that Ira was quite willing to stand subordinate to Heman, which is high testimony to the excellence of the elder brother. Heman Allen doubtless took an active part in the Council up to the battle of Bennington, in which he contracted the disease that proved fatal in the month of May succeeding. He died in Connecticut.

Ira Allen came to Vermont "in 1771, when 21 years of age," says Hon. David Read, but in fact he was a little younger. His first work was for "The Onion River Land Company," but speedily his landed interest drove him into public affairs, and chiefly in the controversy with New York. In July, 1775, he was appointed Lieutenant in Warner's regiment; soon he became Captain, then Colonel, and finally Major-General of militia. He was most distinguished, however, for his civil services. As delegate in Conventions he was very active, serving as Secretary and on important committees. He was ever busy with his pen, defending the interests of the State in newspaper articles and pamphlets, assisting Gov. Chittenden in his correspondence, preparing documents for the Conventions, and finally conducting the diplomatic correspondence with Gen. Haldimand.[3] If any other opportunity for diplomacy occurred—as

[3] Since the publication of the second volume of the Vermont Historical Society Collections, containing the Haldimand correspondence, the editor of that volume (and of this) has discovered a very interesting estimate of the valuable fruits of the services and policy of Vermont in 1775–'83, by a principal actor in the drama—Ira Allen. It is in a letter of Allen to Hon. Samuel Hitchcock of Burlington, dated Oct. 11, 1809, of which the following is an extract:

I have no doubt, but the British Government have been deceived by designing men, and that some prejudices remained from the events of the revolution, [Haldimand Correspondence,] by which means designing men could the easier impose on Government; but these frauds have vanished before truth, as white frost before the beams of the rising sun. It is recorded in sacred writ, "That a Prophet has no honour in his own country and amongst his kindred." I have much reason to believe

for example, with New Hampshire on the projected Unions, or in enlisting officers of the army and leading men of the New England and Middle States in the interest of Vermont, or in negotiating for free trade with Canada and Great Britain,[1]—Ira Allen was the man selected. He was a member of the Council of Safety, and of the Board of War ; of the General Assembly two years, and of the Governor's Council nine years ; State Treasurer nine years ; Surveyor General nine years also ; and finally, in 1790, he was one of the commissioners on the part of Vermont who amicably settled the long protracted and violent controversy with New York and ensured the admission of Vermont to the Union. Early in his career he designed the connection of the St. Lawrence river with Lake Champlain by a canal, some years in advance of the similar scheme of ELKANAH WATSON and Maj. Gen. PHILIP SCHUYLER for

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this scripture, which is the more confirmed, when I know that the capture of Ticonderoga, &c., and the fame of the Green Mountain boys are more thought of in Europe than in the United States. That in the Southern States, the battle of Bennington is considered to have caused the change of the Commander in Chief of the Northern army, and a stepping-stone to the capture of Gen. Burgoyne and army. That the truce between the British in Canada and Vermont, in causing the inactivity of 10,000 British troops, enabled Gen. Washington to capture Lord Cornwallis and army. As the people in the Southern States severely felt the movements and effects of Lord Cornwallis and army, and as Virginia has been famous for Presidents, it was not improper to give a sketch of these matters in a pamphlet addressed to the freemen of Vermont.

In the books of the Olive Branch you will see that I have been severe on the British and French Governments, and that I have not in some instances spared individuals. A justice due to myself, family, and country, made such measures a duty incumbent upon me ; yet you will find that I have uniformly been opposed to this country's being involved in war, ever since I commenced negociator for peace and friendship in 1780. That the negociators of Vermont in 1781 fulfilled all the engagements they made, that the event at Yorktown by the combined power of France and the United States, was as much out of the controle of the cabinet of Vermont, as the events of Europe are now out [of] the controle of the cabinet of the United States ; yet, you will see by the 20th page of a pamphlet addressed to the freemen of Vermont that by uniting the people in Vermont, by union, &c.,* (before which they were exposed to enemies on every side,) they gained the securest situation of any of the people in the United States ; *for if the events of war had terminated in favour of Great Britian, Vermont would have been a favourite Colony under the Crown ; if in favour of the United States, they were prepared for a sister State in the Federal Union*, which they obtained, after extinguishing all the grants of land made by the late Colony of New York in Vermont, for a trifling consideration.—*Letters of* IRA ALLEN, pp. 9,10.

* The "union, &c.," refers to the East and West Unions, with parts of New Hampshire and New York, "which," as ALLEN subsequently said in this letter, "were dissolved when I [he] was at Congress supporting them." This was the fact, and he disapproved of their dissolution as soon as he was apprized of it.

[1] Ira was at the head of the project, and Levi was employed to go personally to Quebec on Ira's suggestion.

the present "Champlain Canal ;" and he was the founder of the University of Vermont. In Dec. 1795 he sailed for England to press his canal project, for which he could get nothing but fair words from the British Cabinet ; and to purchase arms for the State, which he succeeded in doing in France and shipped them under the French flag. The vessel was seized by a British cruiser and the cargo was condemned as a lawful prize. For eight years Allen contested this case in the British courts, and finally won his property, but at a cost, in expenses, far exceeding its value. On his return he found his business in Vermont broken up, and himself so involved pecuniarily that he must leave the State, never to return. The State of Vermont has just provided munificently for a statue of ETHAN ALLEN, to stand in the old Representatives' Hall of Congress till it shall crumble by the breath of time, a mute but eloquent witness of the bravery and patriotism of her sons : but the records of the services of IRA ALLEN, in her struggles and history,—of his skill as statesman and diplomatist—of his grand designs for the promotion of learning and the development of the material resources of the State,—will forever stand, a monument more brilliant than brass and more lasting than marble.

GEN. JACOB BAYLEY was born in Newbury, Mass., July 2, 1728, and married Prudence Noyes, Oct. 16, 1745. He settled in Hampstead in 1745 ; was a captain in the French war, 1756, and escaped from the massacre of Fort Wm. Henry in Aug. 1757; was colonel at the taking of Ticonderoga and Crown Point by Amherst in 1759; and arrived in Newbury, Vt., in Oct. 1764. In 1776 he commenced the celebrated Hazen road, which was designed as a military road from Connecticut river to St. Johns, (Canada,) and was completed by Gen. Hazen as far as Hazen notch, near Montgomery line. Gen. Bayley was commissary-general during a portion of the Revolutionary war, a brigadier-general of militia under New York, and served as such in western Vermont, August to November 1777. He was a leading man in his town and county, serving as town representative, member of the state council, and judge of Gloucester [under N. Y.] and Orange county courts. He died March 1, 1816. —History of Newbury in *Vt. Historical Magazine ;* Deming's *Catalogue*, 1778 to 1851; Drake's *Dictionary of American Biography.*

BENJAMIN CARPENTER, of Guilford.—The following inscription on his tombstone gives a more complete history of the services, character, and *person* of this public man than can often be found of any man in so few words. It is copied from Thompson's *Vermont*, Part III, p. 83.

SACRED TO THE MEMORY
OF THE
HON. BENJ. CARPENTER, Esq.
Born in Rehoboth, Mass., A. D. 1726.
A magistrate in Rhode Island in A. D. 1764.

A public teacher of righteousness,
An able advocate to his last for Democracy,
And the equal rights of man.
Removed to this town, (Guilford,) A. D. 1770.
Was a field officer in the Revolutionary war,
A founder of the first constitution and government of Vermont,
A Council of Censors, in A. D. 1783,
A member of the Council, and Lieut. Governor of the State in
A. D. 1779,
A firm professor of Christianity in the Baptist church
50 years. Left this world
And 146 persons of lineal posterity, March 29th, 1804,
Aged 78 years 10 months and 12 days,
with a strong
Mind and full of faith of a more
Glorious state hereafter.
Stature about six feet—weight 200.
Death had no terror.

The above omits several facts. Mr. Carpenter was the first delegate of Guilford in a Vermont Convention. "In 1776," says Thompson, "the town voted to pay the expenses of Benjamin Carpenter, their delegate to the Westminster Convention of 1775." If there is no error in the dates, this must mean the Convention of April 11, 1775, which condemned the government of New York, the massacre at Westminster, &c. He was a delegate in the Dorset and Westminster Conventions of 1776. In 1777 the town "voted, John Barney and Benjamin Carpenter be a committee to go to Windsor, in June next, to hear the report of the agent sent to Congress concerning a new state." Accordingly Mr. Carpenter attended the Windsor Convention of June 4, 1777; and the above inscription indicates that he was also a member of the Windsor Convention which adopted the Constitution. In 1778 there was a change in the politics of the town, the opponents of Vermont having obtained possession of the records of the town and ruled it until about 1791, when the town was duly organized under Vermont. Mr. Carpenter disregarded the dominant party and adhered steadily to Vermont, on occasions not without personal danger, since it is recorded that in December, 1783, he was taken prisoner by the Yorkers and carried away, "to his great damage." Feb. 1, 1776, he was chairman of the Cumberland County Committee of Safety, and by that body was nominated lieutenant colonel of militia, which was confirmed by New York, March 1, 1776.—See Thompson's *Vermont*, and B. H. Hall's *Eastern Vermont*.

Thomas Chittenden was born at East Guilford, Conn., Jan. 6, 1730. He remained with his father until Oct. 4, 1749, about which time he married Elizabeth Meigs and removed to Salisbury, Conn., which town he represented in the legislature of Connecticut from 1766 to 1769 and again in 1772. He was colonel of militia and a justice of the peace. In 1774 he settled in the valley of the Winooski at Williston, from whence he was driven by the invasion of the British in 1776. He dwelt in Dan-

by, Pownal, and Arlington mainly, until his return to the homestead in 1787. He was a leading member in the Vermont Conventions, President of the Council of Safety, and Governor from March 1778, one year excepted, until he resigned, a short time before his death, which occurred August 25, 1797. His defeat in the General Assembly in 1789, although he was nearly elected by the people, was a political accident, which is chargeable more to jealousy of Ira Allen felt by the politicians of the day, than to any lack of affection for or confidence in the Governor. Indeed, in an address to the Governor, on that occasion, the Assembly declared the satisfaction they felt in his administration ; a grateful sense of the many and good services he had rendered, "as the supporter, guardian and protector of their civil liberties ;" and "all that a noble and generous mind can give or wish to receive, their gratitude and warmest thanks."—See *Memoir of Chittenden* by Daniel Chipman; *Early History;* and *Vt. Hist. Soc. Collections*, vol. I *passim;* also vol. II, pp. 479, 484, 485, and *passim.*

The predominant traits in Gov. Chittenden's character were of the most substantial excellence. He did not tower high like an ornate and graceful Corinthian column, but was rather like the solid Roman arch, that no convulsion could overturn and no weight could crush. "He was educated to habits of industry and economy, and had but little to do with the artificial forms of society. A common school education completed his early advantages ; and, indeed, the little time he had to spare from labor was not devoted to books and study so much as to his favorite athletic sports."[1] He seemed to have an intuitive insight into all men with whom he came in contact, and into all questions which he had to decide.[2] Ethan Allen said "That he was the only man he ever knew who was sure to be right in all, even the most difficult and complex cases, and yet could not tell or seem to know why it was so."[3] Hence, his letters and official documents were usually written by others—Jonas or Joseph Fay, Ethan or Ira Allen, Moses Robinson, and later by Nathaniel Chipman; but it cannot be doubted that Chittenden dictated them, for no man in Vermont was superior to him in judgment. From his first entrance into the state he was the master in every community in which he dwelt, either by the force of his character or the power of his official positions ; and yet "his government was rather patriarchal than constitutional."[4] Like a father, he did not spare the rod, as with the tories, and yet all men were his children, and he tempered justice with mercy. "His sagacity, humanity and sound discretion are conspicuous especially in the disposition of the tories, their estates, and their families."[5] The fact has already been stated that Gov. Chittenden became a resident of Arlington to quell the tory power there, as he rigorously did, until nearly every royalist was driven out or persuaded to remain in submission.

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[1] Hon. David Read, in *Vt. Hist. Mag.*, vol. I., p. 906. [2] *Ibid*, p. 911.
[3] *Ibid*, p. 929. [4] D. Chipman's *Memoir*, p. 9. [5] *Ibid*, p. 19.

The historian of Arlington added, "Soon circumstances arose which really gave Governor Chittenden a place in the affections of the people. So great had been the disorders of the times, and so many men had left the country that fields were unharvested and there was imminent danger of famine. The Governor took upon himself the task of visiting, from time to time, every family and taking an account of the provisions on hand. Under his oversight, and by his impartial and disinterested counsel, distribution was so made that, although all were pinched, none perished."[1] The remarkable proclamation of pardon to the tories and Yorkers, June, 1779, was "a gracious design of mercy," "to alleviate the miseries of those unhappy subjects who act through mistaken notions, and resist the penalties thereof."[2] Not only was he ready to grant all possible relief in every present emergency, but like a watchful and provident father he anticipated future necessities. Hence, again and again were embargoes imposed on the exportation of breadstuffs, and on one occasion it transpired that the Governor had stored up the abundance of his own fields, refusing to sell for cash, but reserving it for the benefit of the people in a time of need.[3] He was, eminently, a good governor—a wise ruler—a father to his people. His son, MARTIN CHITTENDEN, described him as a man over six feet, of fair proportions though not portly, and fine teeth, but for a portion of his life he lost the use of one eye.

JEREMIAH CLARK was born in Preston, Conn., in 1733, came to Bennington in 1767, and quickly made his pitch in the west part of Shaftsbury, where he dwelt for half a century. He served as Major, and took part in the battle of Bennington with a son sixteen years of age. He was one of the committee which "warned" the Dorset Convention of Jan. 16, 1776, and was a delegate in several other Conventions ; served as member of the Council of Safety in 1777–8 ; as Councillor in 1778, 1779, and 1780 ; and chief judge of Bennington county in 1778. In the last capacity he passed sentence of death on David Redding, who was the first man executed in Vermont. Maj. Clark died in 1817, aged 84 years.—See history of Shaftsbury, and letter of Hon. MYRON CLARK, grandson of Major Clark, in *Vt. Hist. Mag.*, vol. I, pp. 234, 236. On the authority of the last named alone, Major Clark's name is inserted in the roll of the Council of Safety. The grandson gave him the character of a conscientious and religious man.

NATHAN CLARK came to Bennington from Connecticut in 1762, and was prominent in the controversy with New York, being frequently chairman of conventions and committees and the author of many of the

[1] *Vt. Hist. Mag.*, vol. I, p. 130.

[2] Slade's *State Papers*, pp. 556, 557, and *post.*

[3] *Vt. Hist. Soc. Collections*, vol. II, p. 482.

published papers of the time. He was chairman of the Bennington Committee of Safety, and was complimented by Gen. Gates for efficient services. He was member of the State Council of Safety, and speaker of the first General Assembly. He lost one son, Nathan Clark, jr., in the battle of Bennington; and another son, Isaac Clark, familiarly known as "Old Rifle," was in that battle, was a Colonel in the war of 1812, and distinguished as a partizan leader.[1]—See *Early History*, p. 459; and *Memorials of a Century, Bennington.*

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[1] Col. ISAAC CLARK, afterward General, married Hannah, the third daughter of Gov. Thomas Chittenden. He was not only a good fighter, but a very zealous Republican of the school of Jefferson. He represented Castleton in the General Assembly of Vermont four years, 1796–'99, and was one of the victims of the so-called "Vergennes slaughter-house" in 1798, having been expelled from the House for an alleged misdemeanor as a member of the committee to canvass votes for state officers. A new election was ordered, Clark was again elected by a majority of all the voters in his town, but the Federalists refused to admit him at that session. One of the very last and rarest acquisitions of the late State Librarian, Hon. CHARLES REED, was a volume thus entitled:

*A Republican Magazine: or Repository of Political Truths. By James Lyon, of Fairhaven, Vermont.*

NATURE *has left this Tincture in the Blood,*
*That all Men would be* TYRANTS *if they cou'd—*
*If they forbear their Neighbors to devour,*
*'Tis not for want of* WILL, *but want of* POWER.
DE FOE'S *Jure Divino.*

*Published at Fairhaven, Vt.*
M,DCC,XCVIII.

It is a sixteen mo. volume, consisting of four semi-monthly numbers with this title:

*The Scourge of Aristocracy. and repository of Important Political Truths.*

In this volume is a notice, by MATTHEW LYON, of Gen. Clark's expulsion, which is so characteristic both of LYON and the spirit of that day as to be worth perpetuating. It is as follows:

VERGENNES, Oct. 28, 1798.

It is not in my power to make you any communications of importance, except what you have no doubt already received. The last political death reported, is that of *General* CLARK—he departed this life the 25th instant, aged 14 days;—He died in the defence of that country, which, thro' his aid, had given birth to his assassins—his last moments were marked with as much serenity as the celebrated *John Rogers's* were, and in some degree similar; only the one died for religious, the other for political sentiments, both under the reign of Party Terror. His departing soul breathed forth a strong and manly hope of a speedy and glorious resurrection of Republicanism.

When party zeal in public good shall end,
And show the world who is his country's friend;

Dr. JONAS FAY, son of Stephen Fay, was born at Hardwick, Mass., Jan. 17, 1737, and removed to Bennington with his father in 1766. He was from the first prominent in the contest with New York and with the mother country, and influential in the organization of the state, his pen being often used in its service. He was clerk of the convention of settlers in March, 1774, and uniformly, when present, of subsequent conventions. On the declaration of Vermont independence in 1777 he was of the committee, with Chittenden, Reuben Jones, Bayley, and Capt. Heman Allen, to prepare and present to Congress the declaration and petition of the state, and on four occasions, from 1777 to 1782, he was agent of the state to Congress. At the age of nineteen he had served in the French war during the campaign of 1756. He was with Ethan Allen as surgeon in the capture of Ticonderoga in May, 1775; served in the same capacity with Elmore's Connecticut regiment, and also for a time in Warner's regiment. In July, 1775, he was appointed by the Massachusetts committee at Ticonderoga to muster the troops as they arrived. He was a member of the Council of Safety in 1777–8, and then of the State Council for the first seven years; a judge of the supreme court in 1782, and judge of probate for five years, 1782–'86. He resided for awhile after 1800 in Charlotte and Pawlet, and died in Bennington, March 6, 1818.—See *Early History*, pp. 463, 464.

Col. JOSEPH FAY, brother of Jonas, was born in Hardwick, Mass., about 1752, and came to Bennington in 1766. He was Secretary of the Council of Safety from Sept. 1777 to March 1788; of the State Council from March 1778 to 1794; and Secretary of State also from the resigna-

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When Democrats shall rise and reign,
And Freedom bless the earth again;
When Tories shall sink down to hell,
Where Pandemonium Harpies dwell;
Millennial Love shall then prevail;
Aristocrats lament and wail;
Republicans rejoice to see
The blest return of Liberty;
*Vergennes* fever will harmless prove,
Or rage a stimulous to Love.

Of course the above was written when LYON was in jail at Vergennes, suffering the penalty of the alien and sedition act. He was committed in October, 1798 and was not released until February, 1799.

Drake's *Dictionary of American Biography* records this:

CLARK, GEN. ISAAC, d. Castleton, Vt., Jan. 31, 1822, a. 73. Member of the Constitutional Convention, and many years [1806–'10] chief judge of the Vermont [Rutland] County Court, a soldier of the Revolution, and Colonel 11th U. S. Infantry, March 12, 1812. Commanded a successful expedition against Massequoi, [St. Armand,] Lower Canada, Oct. 12, 1813.

tion of Thos. Chandler, jr., (supposed to be in November 1778,) to 1781. He was associated with Ira Allen in the famous negotiation with Gen. Haldimand, Gov. Gen. of Canada, from 1780 to 1783, for which by his talents and address he was fitted. He removed to New York city in 1794, and died there, of yellow fever, in October 1803.—*Early History*, p. 464; *Memorials of a Century, Bennington*, p. 262; see also *Vt. Hist. Soc. Collections*, vol. II.

MATTHEW LYON deserves to be ranked among the remarkable men of Vermont. Born in Wicklow county, Ireland, in 1746, he was apprenticed at an early age to a printer and bookbinder; but he came to America at thirteen and was so poor that he had to indenture his person in Litchfield, Conn., to pay for his passage. This indenture was finally sold to Jesse Leavenworth (one of the founders of Danville, Vt.,) for a pair of steers, and Lyon's favorite oath used to be, "by the bulls that redeemed me." He was first known in the annals of Vermont as a delegate for North Wallingford in the Dorset Convention of July 24, 1776, he being then thirty years of age. During the same year he was lieutenant in Capt. John Fassett jr's. company and was stationed at the block-house in Jericho, which was abandoned by the men of the company on the retreat of the continental army from Canada. Lyon reported this fact to Gen. Gates and charged the responsibility mainly on Capt. John Fassett jr., when the officers were arrested, (Lyon included,) tried by court martial for cowardice, convicted, and cashiered.[1] It was in allu-

[1] *Vt. Hist. Mag.*, vol. I, p. 457. It was charged that Lyon and the subordinate officers persuaded the men to desert, which Lyon always denied. The "cowardice" charged could have been constructive only, meaning simply that they had abandoned the post without orders. For forty men to stay at Jericho when our army was retreating before the British up the lake, and every man, woman and child had quit that part of the State, would be something more than courage—sheer fool-hardiness. In the *Memoir of my own Times*, by Gen. JAMES WILKINSON, vol. I, p. 189, is the following passage, giving unquestionably a truthful account of this affair:

The night of the 7th [July, 1777, the night after the battle of Hubbardton,] being extremely dark and rainy, one of the guards took up and reported to head quarters a young man suspected of being a spy. I visited the guard, and found the prisoner to be a Lieutenant Lyon (since Mr. Matthew Lyon of Congress) of the militia, who had joined us to offer his services as a guide, of whom we stood in great need, being strangers to the country, which was in general a wilderness, a town having sometimes barely a cabin or two to distinguish it; even Bennington, the seat of the government of the Hampshire grantees, could not number more than a dozen log cabins, which were however surrounded by a considerable tract of improved ground. Lieutenant Lyon, an active, ardent young man, was extremely zealous, and accompanied us as long as his

sion to this event in Lyon's history that afterward, in Congress, Roger Griswold taunted Lyon for "wearing a wooden sword," and Lyon resented the insult by spitting in Griswold's face. For this it was proposed to expel Lyon from the House, and the vote stood yeas 52, nays 44—failing for want of two thirds. Goodrich afterwards caned Lyon, when it was proposed to expel both members, but that was rejected, 73 to 21, and a resolution to reprimand them failed by one majority. The cashiering of Lyon was not injurious to him in Vermont, however annoying for a time it might have been, as he was subsequently made commissary-general, and colonel, and elected twice to Congress.—Benton's *Abridgement of the Debates of Congress*, vol. II, pp. 205–206.

Arlington was a stronghold of the tories, and the Convention of Sept. 25, 1776, ordered the Friends of Liberty to choose a Committee of Safety nevertheless, conduct as other towns, and call upon the committees of neighboring towns for aid if necessary. Further to thwart the tories of that town, Thomas Chittenden, Matthew Lyon and John Fassett, jr. temporarily became citizens of Arlington, taking possession of the confiscated property of tories. Ira Allen was only three miles distant, and these four leading men of the State erected a judgment seat and sat as a council to pronounce woe upon every rebellious tory.—*Vt. Hist. Mag.*, vol. I, p. 130. Here Lyon married, for his second wife, Beulah, widow of Elijah Galusha and fourth daughter of Thomas Chittenden. From 1777 for several years he was clerk of the court of confiscation, and in 1785, for refusing to furnish its records to the Council of Censors, he was impeached by the General Assembly, tried and convicted in his absence by the Governor and Council, ordered to deliver the documents, and sentenced to a reprimand and to a fine of five hundred pounds. He subsequently appeared, the sentence was read, and he requested a rehearing, which was ordered, but nothing seems to have been done.—*Vt. Hist. Soc. Coll.*, vol. II, p. 428. July 15, 1777, Gen. Schuyler restored Lyon to his military rank by appointing him a temporary paymaster in Warner's regiment. In April 1778 he was appointed deputy Secretary of the Governor and Council, and he served until Nov. 24. He was also clerk of the Assembly and Secretary of the Board of War in 1779. He represented Arlington in the General Assembly four years, 1779–1782; and Fairhaven ten years, 1783–4, and 1787 to 1796. He was elected to Congress in 1796 and re-elected in 1798, first taking his seat at the called session, May 15, 1797, and closing his service for Vermont on the 3d of

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services were useful: he had been stationed the preceding campaign, with a party of militia, at Otter creek, [Onion river,] in a subordinate capacity; the post was evacuated without orders, and Lieutenant Lyon has been censured for that transaction, although he opposed the measure, *and on an investigation was acquitted of blame.*

The last assertion probably refers to an investigation made by Maj. Gen. SCHUYLER, who restored Lyon to service as pay-master in Warner's continental regiment.

March, 1801. Lyon was a terse and vigorous writer and an able debater, and these qualities were manifest in his speeches, of which abstracts have been preserved. He was neither inactive nor insignificant in Congress. On the 4th of July 1798 the sedition act went into effect, and on the 31st of the same month the *Vermont Journal* [Windsor] published a letter written by Lyon June 20, fourteen days *before* the act went into effect, but mailed at Philadelphia, as appeared by the postmark, on the 7th of July, three days *after* the act had been approved. A portion of this letter was deemed seditious, and for it Lyon was indicted, tried and convicted in October following, the penalties being a fine of $1000 and imprisonment for four months. While he was in prison he was re-elected to Congress, and when the prison doors were opened in Feb. 1799, at the end of the four months, he announced that he was on his way to attend Congress at Philadelphia, and thus escaped a re-arrest which his opponents had prepared for him. He took his seat on the 20th of February, and on the same day Mr. Bayard of Delaware introduced the following resolution, which is very extraordinary when compared with the language for which Lyon was indicted:

*Resolved*, That Matthew Lyon, a member of this House, having been convicted of being a notorious and seditious person, and of a depraved mind, and wicked and diabolical disposition; and of wickedly, deceitfully, and maliciously, contriving to defame the Government of the United States, and John Adams, THE PRESIDENT OF THE UNITED STATES, and to bring the said Government and PRESIDENT into contempt and disrepute, and with intent and design to excite against the said Government and PRESIDENT the hatred of the good people of the United States, and stir up sedition in the United States—wickedly, knowingly and maliciously, written and published certain scandalous and seditious writings, or libels, be therefore expelled this House.—Benton's *Abridgement of the Debates of Congress*, vol. II, p. 364.

The editor now gives Lyon's words, both as a comment on the *animus* of Mr. Bayard's resolution, and as a specimen of Lyon's style. It certainly was not seditious under the present measure of the liberty of the press:

As to the Executive, when I shall see the efforts of that power bent on the promotion of the comfort, the happiness, and the accommodation of the people, that executive shall have my zealous and uniform support. But whenever I shall, on the part of the Executive, see every consideration of publick welfare swallowed up in a continual grasp for power, in an unbounded thirst for ridiculous pomp, foolish adulation, or selfish avarice ; when I shall behold men of real merit daily turned out of office for no other cause but independency of spirit ; when I shall see men of firmness, merit, years, abilities, and experience, discarded, in their applications for office, for fear they possess that independence, and men of meanness preferred, for the ease with which they can take up and advocate opinions, the consequences of which they know but little of; when I shall see the sacred name of religion employed as a state engine to make mankind hate and persecute each other, I shall not be their humble advocate.

Another charge against Lyon was, that he had procured the publication of a "Letter from an American diplomatic character [Joel Barlow,] to

a member of Congress in Philadelphia" [Abraham Baldwin,] containing alleged seditious matter ; which Lyon denied, and in any event it is not necessary to quote it.—For this and the preceding extract, see Rev. PLINY H. WHITE'S address before the Vt. Historical Society Oct. 29, 1858, on the *Life and Services of Matthew Lyon.*[1]

Another fact pertinent to the *animus* of Bayard's resolution was, that on its passage might depend the fact whether the federalists should or should not have the vote of the state if the election of President should be thrown into the House in the next Congress, it being then known that the two members elect for Vermont for the sixth Congress were MATTHEW LYON Republican, and LEWIS R. MORRIS Federalist—Lyon having been elected on the second trial by five hundred majority. If Lyon could be expelled, the Federalists would at least have a chance to secure the seat on a special election.

Mr. Bayard's resolution was debated through the 22d of February, when the vote was taken—yeas 49, nays 45 ; not two thirds, and therefore the resolution failed.

At the second session of the Sixth Congress occurred an election of President of the United States by the House of Representatives. The electoral votes were declared on the 11th of February, 1801, by which it appeared that THOMAS JEFFERSON and AARON BURR had each received a majority, but that, as the number of votes for each was equal, no choice had been made by the people. The House of Representatives therefore on that day proceeded to ballot for President, and it balloted from day to day until February 17. Through thirty-five ballotings there was no election, and on each of the thirty-five the vote of Vermont was divided, Mr. Lyon voting for Jefferson, and Mr. Morris for Burr. On the thirty-sixth ballot Mr. Morris withheld his vote and Mr. Lyon voted for Jefferson, thus giving the vote of Vermont to Jefferson, which was sufficient to elect him. In Maryland, however, four opponents of Mr. Jefferson cast blanks, so that the other four members cast the vote of that state for Mr. Jefferson. Lyon on one occasion said, on a disagreement with Jefferson—"I made him, and I can unmake him !" This was assuming overmuch, as Lyon's vote would have been counted as nothing if Morris had not withheld his. The vote of either Vermont or Maryland would have elected Jefferson, but both were permitted by the Federalists to be cast for him on the advice of Alexander Hamilton, as a choice of evils, he much preferring Jefferson to Burr. This event made the hostility between Hamilton and Burr from thenceforth deadly, in fact ending in the death of Hamilton at the hand of Burr.

On returning from Congress in March, 1801, Mr. Lyon found his extensive business in Vermont much embarrassed, and moreover his political foes were lying in wait for him with fresh annoyances : he therefore re-

[1] A third count was for aiding and abetting in the publication of the matter cited in the first and second counts.

moved to Kentucky, the twin brother of Vermont by birth into the Union. He served two years, 1802-3, in the legislature of that State, and as a member of Congress eight years, 1803 to 1811. Nov. 13, 1811, he petitioned Congress to refund the fine of $1000 and costs ($1060.90) imposed on him under the sedition act, and after a delay of nearly thirty years, July 4, 1840, an act was passed refunding to his heirs the amount, with interest from February 1799. The House passed the bill by nearly a unanimous vote—yeas 124, nays 15.

In 1812 he contracted with the United States to construct gun-boats at his ship-yard on Cumberland river, to be delivered at New Orleans. Some were wrecked on the way, others were not completed in time, and on the whole the undertaking was disastrous. In 1820 he was appointed, under Monroe's administration, a factor with the Cherokee Indians in Arkansas, and on the organization of that territory he was elected first delegate to Congress, but he did not live to take his seat. He died, near Little Rock, Aug. 1, 1822, in the 76th year of his age.

Chittenden Lyon, son of Matthew, and grand-son of Gov. Thomas Chittenden, served in both branches of the legislature of Kentucky, and then eight years in Congress, ending March, 1836, when he voluntarily retired. He died in November, 1842. It is hardly possible that another instance can be found where a father has been elected to Congress from three different states and been succeeded in the same office by a son. Rev. Asa Lyon, member of Congress from Vermont, and Lucius Lyon, member and Senator in Congress from Michigan and a native of Vermont, were in no degree related, it is believed, to the family of Matthew Lyon.

However valuable to the state the services of Matthew Lyon may have been in the many public offices he filled, it may be doubted whether his influence as an enterprising and energetic business man was not even more valuable. He was daring in his enterprises, and had he either neglected politics and given his intellect and skill to business, or given less attention to business and more to culture in law and statemanship, he might have been an eminently successful man. In the *History of Fairhaven*, by Andrew N. Adams, it appears that Lyon's first store was built in 1791 ; Lyon's tavern house prior to 1787, and a private residence afterward; Lyon's Iron Works [smelting, &c.] were built in 1785—twice burnt but are still in operation ; Lyon's Paper Mill was started in 1790 or '91, (in which, almost a century ahead of the rest of the world, he manufactured paper from basswood)—burnt twice, but still in operation ; the first grist-mill was built by Col. Lyon and Ager Hawley, and still another previous to 1795—a tannery annexed, which was converted into a slate mill, and with the grist-mill seems to be now in operation ; Lyon's saw-mill was also the first, in 1783, and the power is still used ; in 1797 Lyon had another saw-mill, which he sold in 1800—burnt in 1833, and not rebuilt. To this must be added that Col. Lyon established a printing-office, and started the third newspaper in Vermont, *The Farmers' Library*, in

1793, which was continued under different names and proprietors (in the Colonel's interest) until 1798. He left his marks elsewhere in Vermont, and when he removed to Kentucky he carried with him a printing-office, and established a newspaper in that state, adding the tanning business, iron-works, and gunboats as has been seen. He was on the whole, probably, more useful to the public than to himself or his family, which, Chittenden Lyon excepted, seems to have been generally unsuccessful.

Moses Robinson was son of Samuel Robinson, senior, the pioneer settler of Bennington, who went in Dec. 1765 as agent of the New Hampshire Grantees to petition the king for relief against the government of New York, and died in London, Oct. 27, 1767. Samuel was born in Cambridge, Mass., in 1705, son of Samuel Robinson, who was born in Bristol, England, in 1668, and claimed descent from Rev. John Robinson, "the father of the Independents," who was pastor of "The Pilgrims" before they sailed from Holland in the "Mayflower," in August, 1620.[1] Moses Robinson was born in Hardwick, Mass., March 26, 1744, and came to Bennington with his father in 1761. He was the first town clerk, chosen in March 1762, which office he held nineteen years. As colonel of militia, he was with his regiment at the evacuation of Ticonderoga and Mount Independence in July 1777. He was a member of the Council of Safety, 1777–8, and Councillor eight years, to Oct. 1785. In 1778 he was appointed as chief justice, to the bench of the Supreme Court, and he served on the bench from 1778 to 1783–4, and again from 1785 to 1788–9, in all ten years, when he was elected governor by the General Assembly.[2]

On the admission of the state to the Union in 1791, Mr. Robinson was one of the first two U. S. Senators, serving till June 1, 1796. Gov. Robinsou was a man of piety of a marked type. On one occasion when absent from home settling an estate with others and being delayed in the business, he proposed to spend the time in a prayer-meeting, which was agreed to; and in another prayer-meeting, having invited two deacons successively, but in vain, to lead in prayer, the governor undertook that duty himself, beginning by this frank confession: "O, Lord! thou knowest we have come up here this afternoon to worship Thee, and we are cold and lukewarm as it were,—*I fear at least some of us are!*" It is recorded that he was very wealthy, and "liberal to the cause of religion corresponding to his ability." He united with the church, of which Rev. Jedediah Dewey was pastor, June 20, 1765, and was elected deacon May 22, 1789, which

[1] Neal's *History of the Puritans*, vol. I, pp. 244, 269.

[2] The votes of the freemen in 1789 were for Thomas Chittenden 1263, Moses Robinson 746, Samuel Safford 478, all others 378—no election. Robinson was elected in Joint Assembly Oct. 9, and Gov. Chittenden, as presiding officer, was requested to inform him of his election.—*Vt. Hist. Soc. Collections*, vol. II, p. 484.

office he held until his death, May 26, 1813. In death he was triumphant. A witness of the scene (wife of Gen. David Robinson) said of it: "if she could feel as he did, it would be worth ten thousand worlds."—See *Early History*, p. 467; *Memorials of a Century, Bennington*, pp. 233–236.

Doctor PAUL SPOONER appears first in Vermont history as a delegate from Hertford [Hartland] in a convention at Westminster, Oct. 19, 1774, called to condemn the tea act, the Boston port bill, and other kindred measures of the king and parliament of Great Britain. Doct. Spooner was one of a committee which made a written report expressing surprise that the king and parliament should dare to assert "a right to bind the colonies in all cases whatsoever," and to take, "at their pleasure, the properties of the king's American subjects without their consent." "He who has nothing," said this committee, "but what another has power at pleasure lawfully to take away from him, has nothing that he can call his own, and is, in the fullest sense of the word, a slave—a slave to him who has such power; and as no part of British America stipulated to settle as slaves, the privileges of British subjects are their privileges, and whoever endeavors to deprive them of their privileges is guilty of treason against the Americans, as well as the British constitution." He again appeared as a delegate at a convention of whigs at Westminster, Feb. 7, 1775, and was secretary. Still again, June 6, 1775, he was delegate at a Cumberland county Congress, [so called,] and was chosen one of three delegates to represent the county in the New York Provincial Congress. He served as such for the remainder of the session which commenced May 23, 1775, was re-elected Nov. 7 and served in the session which commenced Nov. 14. May 5, 1777, he was chosen sheriff of Cumberland county under New York, but declined accepting the office in a letter dated July 15. Just one week before writing that letter he had been appointed one of the Vermont Council of Safety, which office he accepted, and he was appointed deputy secretary thereof in the absence of the secretary, Ira Allen. He was member of the first Council under the constitution, and was re-elected five times, serving from 1778 till October 1782, when he was elected lieutenant governor, and annually re-elected until 1787. Twice he was agent from Vermont to Congress, in 1780 and again in 1782. For nine years he was a judge of the supreme court, in 1779 and 1780, and again from 1782 to 1788. During the same period, in 1781 and 1782, he was judge of probate for Windsor county. He removed from Hartland to Hardwick, and was the first town clerk of the last named town, elected March 31, 1795. He was also its first representative in the General Assembly, and served as such three years, in 1797, 1798 and 1799. "He is believed," said HILAND HALL, "to have been well educated, and to have had a good professional reputation."—See *Eastern Vermont; Early History of Vermont;* and history of Hardwick in *Vt. Hist. Mag.*, vol. I.

# PROCEEDINGS

OF THE

# COUNCIL OF SAFETY.

## JULY 8 TO AUGUST 15, 1777.

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As late as March 18, 1788, according to JOSEPH FAY, the first secretary (IRA ALLEN) had the minutes of the proceedings of the above period in his possession. Nevertheless, these minutes have never come into the possession of the State, nor can they be found elsewhere : they are therefore now to be supplied, imperfectly no doubt, from the statements in Ira Allen's *History*, with such copies of letters, circulars, and orders of the Council as can be obtained from other sources.

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On the adjournment of the Convention at Windsor, July 8, 1777, Ticonderoga had fallen into the hands of the enemy, Warner had been defeated at Hubbardton, and Burgoyne's splendid army was advancing into New York on the western border of Vermont with all possible speed. The most energentic labors of the Council were demanded instantly, and the board proceeded direct to Manchester, where Warner had fixed his headquarters with a remnant of his regiment.[1]

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[1] I. Allen's *History* in *Vt. Hist. Soc. Col.*, vol. I, p. 383. One source of alarm was in the probable effect of the following document :

[From Vt. Historical Society Collections, Vol. I.]

By Lieutenant General JOHN BURGOYNE, commanding an army and fleet of Great Britain, against the revolted Provinces of America.

To the inhabitants of Castleton, of Hubbardton, Rutland, Tinmouth, Pawlet, Wells, Granville [N. Y.] with the neighbouring districts ; also the districts bordering on White creek, Cambden, Cambridge, [N. Y.,] &c. &c., &c.,

You are hereby directed to send from your several townships deputations, consisting of ten persons or more from each township, to meet Colonel Steene at Castleton, on Wednesday, July 15th, at ten in the morn-

A quorum of the members at least was present, and the Council was organized as follows :

THOMAS CHITTENDEN, *President.*

JONAS FAY, *Vice President.*

IRA ALLEN, *Secretary.*

[From Vt. Hist. Soc. Collections, vol. I.]

IN COUNCIL OF SAFETY, STATE OF VERMONT,
Manchester, 11th July, 1777.

*Gentlemen,*—The inclosed is a Copy of General St. Clair's Letter to the Convention of this State, by which you will learn his request to the Militia of your state. No further accounts have arrived since the date of the enclosed except that there are Small Scouting Parties foraging in the Woods. You will Learn the Provision General Schuyler has made for the protection of this State, and you will naturally understand that when we cease to be a frontier your State must take it. Would beg your advice and assistance for the good of the whole, and have the honor to be,

Gentlemen, with respect,
Your most Obdt and Very Humble Servant.
By order of the Council,

IRA ALLEN, *Secr'y.*

N. B.—News has this moment come to hand that General How, with his army, have got up North River as far as Tappan near the Highlands, and that the inhabitants are moving out of Albany. We hear General Washington is with his army in high spirits watching the motion of the Enemy. I. ALLEN.

*The Hon^ble the Council of Safety N. Hampshire State.*

[From Vt. Hist. Soc. Collections, Vol. I.]

IN COUNCIL OF SAFETY, STATE OF VERMONT,
Manchester, 15th July, 1777.

*Gentlemen,*—This State in particular seems to be at Present the object of Distruction. By the surrender of the fortress Ticonderoga a Communication is opened to the Defenceless inhabitants on the frontier, who having little more in present store than sufficient for the maintenance of their Respective Families, and not ability to immediately remove their effects, are therefore induced to accept such Protections as are offered them by the Enemy : by this means Those Towns who are most Contiguous to them are under necessity of Taking such Protection, by which the next Town or Towns become equally a frontier as the former Towns before such Protection, and unless we can obtain the assistance of our friends so as to put it immediately in our Power to make a sufficient stand against such strength as they may send, it appears that it will

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ing, who will have instructions not only to give further encouragement to those who complied with the terms of my late manifesto, but also to communicate conditions upon which the persons and properties of the disobedient may yet be spared.

This fail not to obey, under pain of military execution.

*Head Quarters, at Skeensborough House, July 10th,* 1777.

J. BURGOYNE.

By order of His Excellency the Lieutenant-General,

ROBT. KINGSTON, *Secretary.*

soon be out of the Power of this state to maintain a frontier. This country, notwithstanding its infancy, seems as well supplied with provisions for Victualling an army as any Country on the Continent, so that on that account we cannot see why a stand may not as well be made in this State as in the State of New Hampshire, and more especially as the inhabitants are Heartily Disposed to Defend their Liberties. You, Gentlemen, will be at once sensible that Every such Town as accepts protection are rendered at that instant forever incapable of affording us any further assistance, and what is infinitely worse, as some Disaffected Persons eternally Lurk in almost every Town, such become Doubly fortified to injure their Country. Our Good Dispositions to Defend ourselves and make a frontier for your State with our own, cannot be Carried into execution without your assistance. Should you send immediate assistance we can help you, and should you neglect till we are put to the necessity of taking protection, you Readily Know it is in a moment out of our power to assist you. Laying these Circumstanees together will I hope induce Your Honors to take the same into consideration and immediately send us your Determination in the Premises.

I have the satisfaction to be your Honors'

Most Obed$^{t}$ and very Hum$^{bl}$ Serv$^{t}$.

By order of Council, IRA ALLEN, *Secr'y.*

*The Honorable the Council of Safety,*
STATE OF NEW HAMPSHIRE.

P. S.—By express this moment received we learn that between 3 & 4 thousand of the Enemy are Fortifying at the town of Castleton. Our case calls for immediate assistance. I. ALLEN.[1]

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[1] This was sent to the Massachusetts Council also. The reported fortification at Castleton was one of a multitude of rumors growing out of the panic, when everybody was inclined to believe the worst.

The reply of the President of New Hampshire, and the orders to Stark referred to, were as follows :

*Letter from* MESHECH WEARE, *President of the State of New Hampshire, to* IRA ALLEN, *Secretary of the State of Vermont.*

[From Slade's State Papers, page 80.]

EXETER, July 19, 1777.

SIR,—I was favored with yours of the 15th inst. yesterday by express, and laid the same before our general court, who are sitting.

We had, previous thereto, determined to send assistance to your state. They have now determined, that a quarter part of the militia of twelve regiments shall be immediately draughted, formed into three battalions, under the command of Brig. Gen. JOHN STARK, and forthwith sent into your State, to oppose the ravages and coming forward of the enemy; and orders are now issuing, and will all go out in a few hours to the several colonels for that purpose. Dependence is made that they will be supplied with provisions in your State; and I am to desire your convention will send some proper person or persons to Number Four, [Charlestown, N. H.,] by Thursday next, to meet Gen. STARK there, and advize with him relative to the route and disposition of our troops, and to give him such information as you may then have, relative to the manœuvres of the enemy.

In behalf of the council and assembly, I am, Sir, your most obedient humble servant,

MESHECH WEARE, *President.*

IRA ALLEN, Esq., *Secretary of the State of Vermont.*

[From Vt. Hist. Soc. Collections, vol. I.]

IN COUNCIL OF SAFETY, STATE OF VERMONT,
Manchester, 15th July, 1777.

*To all Militia Officers whom it may Concern :*

This is the second and perhaps the last express we may be able to send you from this Post. Your immediate assistance is absolutely necessary. A few hundred Military Troops to be joined to our present strength would greatly add to our present encouragement, as by late information we Learn that a large Scout of the Enemy are disposed to take a Tour to this post ; the inhabitants, with their families, cannot be quieted without an assurance of the arrival of Troops directly for their assistance. You will Please to let us know your determination without delay.

The Continental Stores at Bennington seem to be their present aim. You will be supplied with provision here on your arrival. Pray send all the Troops you can Possibly Raise ; we can Repulse them if we have assistance.

I have the honor to be your Most Obd$^{t}$ Hum$^{bl}$ Serv$^{t}$.

By order of Council, IRA ALLEN, *Sec'y.*

On the same day, Allen communicated the alarming rumor as to Castleton to Gen. PHILIP SCHUYLER. This letter is not in any of the Vermont collections. Its tenor can be gathered from Schuyler's reply :

FORT EDWARD, July 16, 1777.

*Sir* - It gives me great pain that I am not in a capacity directly to answer your letter of the 15th inst. As an officer of the Honorable the Congress, who represents the thirteen United States of America, I cannot with propriety take notice of a fourteenth state, unknown in their confederacy. In order that the public service may not suffer, I shall however answer your letter, which, for the reasons already assigned, I am under the necessity of doing in your private capacity.

That the enemy should fortify at Castleton is to me exceedingly unaccountable. It is certain that a considerable body of their troops with General Burgoyne are at Skeensborough ; that from corroborated information a body of them have gone to Ticonderoga, to come by the way of Lake George.

It is doubtless extremely difficult to move the inhabitants that lie nearest the enemy, but I should hope that Colonel Warner, supported

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STATE OF NEW HAMPSHIRE,
Saturday, July 19$^{th}$, 1777.

*To Brig$^{d}$ Gen$^{l}$ Jn$^{o}$ Stark,*—You are hereby required to repair to Charlestown, N$^{o}$ 4, so as to be there by 24$^{th}$—Thursday next, to meet and confer with persons appointed by the convention of the State of Verment relative to the route of the Troops under your Command, their being supplied with Provisions, and future operations—and when the Troops are collected at N$^{o}$ 4, you are to take the Command of them and march into the State of Vermont, and there act in conjunction with the Troops of that State, or any other of the States, or of the United States, or separately, as it shall appear Expedient to you for the proteetion of the People or the annoyance of the Enemy, and from time to time as occasion shall require, send Intelligence to the Gen$^{l}$ Assembly or Committee of Safety, of your operations, and the manœuvers of the Enemy.

M. WEARE.

Stark refused to act under the continental officers.

by the militia under Colonel Simmonds which I have ordered to join him, and with that of the State of New Hampshire, and such as can be collected from the more Southern parts of what are commonly called Grants, would be able to effect this business in a very great measure.

The enemy, by the last accounts, are not above six thousand ; and if it be true that they are disposed of as I have mentioned, the body at Castleton cannot be considerable. I have ordered such persons as are going to the enemy for protection, to be seized and sent prisoners to me. Three have been delivered to me and I have sent them to jaol in Albany. I think it would be right to adopt a similar conduct, especially to those who are not yet so much in their power as to be obliged to accept protection from them.

I have delivered Captain Fitch a Proclamation of which I wish you to make copies and distribute them in the Country nearest the enemy.[1]

P. Schuyler.

Of this period Ira Allen wrote as follows :

The Council of Safety then attended to the affairs of the government, but their situation was very unpleasant, as the Constitution had only declared the district to be a free state ; but the Government was not organized, as the Constitution was not fully completed, and near three quarters of the people on the west side of the Green Mountains were compelled to remove, and the rest were in great danger. It was they who principally supported the title of the New Hampshire Grants, against the unjust claims of New York, and their removal would expose the settlers on the east side of the Green Mountains to an invasive war, both from the Savages and the British ; besides, the late proceedings of Congress had been partial towards New York, and against Vermont ; the people of the new State had reason to expect no favour from the Committee of Safety of New York, as its members were in fact composed of the old sycophants of the late Government, which they prudently deserted. Gain and dominion were objects of the first consequence to some of the Committee of New York, and the citizens of the New State were conscious that they would take every sinister and possible step to divide the people, and would not be dissatisfied with any misfortune which befel them, even by the common enemy.

The Council of Safety had no money or revenue at command, their powers and credit were not extensive, and all expresses were supported at their private expence : yet, in this situation, it became necessary to raise men for the defence of the frontiers, with bounties and wages ; ways and means were to be found out, and the day was spent in debating on the subject ; Nathan Clark, not convinced of the practicability of raising a regiment, moved in Council, that Mr. Ira Allen, the youngest member of Council, and who insisted on raising a regiment, while a majority of the Council were for only two companies, of sixty men each, might be requested to discover ways and means to raise and support a regiment, and to make his report at sun-rising on the morrow. The Council acquiesced, and Mr. Allen took the matter into consideration. Next morning, at sun-rising, the Council met, and he reported the ways and means to raise and support a regiment, viz. that the Council should appoint Commissioners of Sequestration, with authority to seize the goods and chattels of all persons who had or should join the common enemy ; and that all property so seized should be sold at public vendue,

[1] For this counter proclamation to Burgoyne's, see *Vt. Hist. Soc. Coll.*, vol. I, p. 182.

and the proceeds paid to the Treasurer of the Council of Safety, for the purpose of paying the bounties and wages of a regiment forthwith to be raised for the defence of the State. The Council adopted the measure, and appointed officers for the regiment. Samuel Herrick, Esq., was appointed the Colonel, and the men enlisted, and the bounties paid in fifteen days, out of the confiscated property of the enemies of the new state. This was the first instance in America of seizing and selling the property of the enemies of American independence.[1]

The Council adjourned to Bennington, and about the time this regiment was raising, a party of militia from Massachusetts arrived in the new State. Gen. Schuyler, a citizen of the State of New York, and Commander in Chief of the northern army, no sooner heard of it than he sent orders to the militia of Massachusetts, and to Colonel Herrick's regiment, to repair forthwith to Saratoga; the militia from Massachusetts were obliged to obey, according to the regulations of the Continental Congress; but the Council of Safety superceded General Schuyler's orders, and gave special directions to Colonel Herrick to remain within the State of Vermont. This occasioned some irrascible letters between General Schuyler and the Council of Safety, which were terminated by a peremptory order of Council to Colonel Herrick not to put himself under the command of General Schuyler.[2]

[From page 44 of the Official Ms. Record of the Council of Safety.]

STATE OF VERMONT, IN COUNCIL OF SAFETY,
Manchester, July 15th, 1777.

*To Samuel Herrick, Esq.:*

We Reposing special trust and confidence in your Patriotism Valiours Conduct and Fidelity do by these presents Constitute you to be Lieutenant Colonel Commandant of a Regiment of Rangers Raised within this State for the Immediate defence thereof, and to be under the Special direction of this Council or the Commander in Chief of the

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[1] In 1808 Allen repeated his claim to this honor, which he could hardly have done had it been controverted by any body. Gov. HALL says in reference to Allen's claim: "Such is believed to be the fact, though the measure was afterward pursued in all the states." Not until Nov. 27, 1777, four months after the Vermont Council of Safety had adopted Allen's project, did Congress recommend the same course to all the states. —H. Hall's *Early History*, p. 260; and *Journals of Congress*, 1777–78, vol. III, p. 423.

[2] Ira Allen's *History*, in *Vt. Hist. Soc. Collections*, vol. I, pp. 384–5. D. P. THOMPSON, in his address before the Vt. Historical Society in 1850, gave a very spirited sketch of a debate in the Council on the defection of Benjamin Spencer and the vital question of military supplies, purporting that it occurred on the day PAUL SPOONER wrote to Gen. BAYLEY of Spencer's conduct; but, alas! it was all fiction. IRA ALLEN fixed the decision of the supply question (confiscation) *before* the adjournment of the Council of Safety to Bennington—of course between the 11th and 15th of July, on which day Herrick was commissioned Colonel as the first result of Allen's policy,—while Spooner's letter to Bayley was dated on the 11th of August following. The truth of history forces this unwelcome marring of Mr. Thompson's pretty picture.

Army Commanding the department the East side of Hudson's River; You are therefore carefully and diligently to discharge the duty of a Lieutenant Colonel Commandant, by doing & performing all manner of things thereunto belonging—And we do Strictly Charge and Require all officers & soldiers under your Command to be obedient to your orders as Lieutenant Colonel Commandant. And you are to observe and follow such orders and directions from time to time as you shall receive from this Council or the Commander in Chief of the Army aforesaid, or any other your Superior officer according to the Rules and discipline of War. In pursuance of the Trust reposed in you, this Commission to Continue in force until the first day of January next.

By order of Council,

THOMAS CHITTENDEN, *Prest.*

Attest, IRA ALLEN, *Secy.*

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Benjamin Wait was appointed Major of Herrick's regiment Sept. 3, 1777; Elisha Clark Adjutant, and James Walworth Quarter-Master, Aug. 24.

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IN COUNCIL OF SAFETY, STATE OF VERMONT,
Bennington, 28 July, 1777.

*To* ————*:* You are hereby required (agreeable to a previous resolve of this Council) to seize all lands, teneements, goods and chattels, of any person or persons in this State; whom you know or may hereafter learn, to have repaired to the enemy, and a true inventory thereof to take, and return to this Council, except articles as are wanted for the use of the army; which are wanted at Manchester or elsewhere, where there is a contractor to receive and pay for them. You will appoint three persons noted for good judgmeut, who are, after being duly sworn, to apprize the same; and all other movable effects you are to sell at public vendue, except such necessaries as humanity requires for the support of such families. And after paying necessary charges you are to remit the remainder of the money to this Council. You will take the natural and artificial marks of every creature you shall receive, or take, and their age, from whom they came, for what sold, and to whom sold. You are to lease out all such lands and tenements at a reasonable price, not exceeding two years, giving the preference to such persons as have been drove from their farms by this war. You are further authorized to arrest any person, or persons, you shall have sufficient grounds to believe are enemies to the liberties of this and the United States of America, and all such persons as you shall arrest you will seize all their movable effects (where there is danger of their being embezzled) and keep in safe custody until after trial. If they are acquitted, to give unto such person or persons such seizour; but if found guilty, to make return to this council. You are to call to your assistance such person or persons as you shall find necessary, keeping regular accounts of all your procedures.

By order of Council,

IRA ALLEN, *Secy.*[1]

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[1] *Vt. Hist. Soc. Coll.*, vol. I, p. 191. Of course quite a number of commissioners must have been immediately appointed, whose names were in the lost minutes. Lieuts. Peter Roberts, Martin Powell, Silas Watson, and Ebenezer Hyde; Capt. John Simonds; and Capt. Jonathan, David, and Benjamin Fassett, were probably among the first commissioners appointed.

"A proper fund for state use being thus secured, a regiment of rangers was soon organized under Col. Samuel Herrick, which did efficient and valuable service to the state and country."[1]

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[From the Hartford *Couran* of August 17, 1777.]

IN COUNCIL OF SAFETY, STATE OF VERMONT,
Bennington, July 28, 1777.

Whereas the inhabitants of the northwesterly part of this State have been necessitated to remove their families by the encroachments of the enemy, and some are removed to the states of Massachusetts Bay and Connecticut:—

These are therefore to earnestly request such men to return and assist in defending this and the United States of America from the ravages of the enemy, as it will be to their honor, and much to their profit, as we have authentic accounts, this moment arrived, that the enemy have evacuated Castleton for fear of devastation by our troops that were gathering to pay them a visit; for which reason it is likely that most or all the crops may be saved, if the inhabitants return soon.

By order of the Council,

IRA ALLEN, *Secretary.*

Having learned that Capt. JAMES CLAY, chairman of the Cumberland County Committee of Safety, had been distributing resolutions of Congress adverse to Vermont, which had been printed by New York and sent to Mr. Clay for that purpose, August 10, 1777, the Council issued a warrant for his arrest.

"He was accordingly taken before them as a prisoner, [on an order dated Aug. 29th,] and was informed by Col. Thomas Chittenden that he had done wrong in obeying the directions of New York; in notifying a meeting of the County Committee [to hear those resolutions read publicly;] in distributing the resolves of the Continental Congress; and in inciting people against the new state. On these charges Clay was detained in custody six days. At the end of that period he was allowed to return to his home in Putney."[2]

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[From Vt. Hist. Soc. Collections, Vol. I.]

IN COUNCIL OF SAFETY, STATE OF VERMONT,
Bennington, 11th August, 1777.

*Dear Sir*,—As the Council is much crowded with business, as one of our Members is with our Enemies, (viz. Esq. Spencer,[3]) as an attendance

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[1] *Early History*, p. 260.

[2] *Eastern Vermont*, pp. 298, 299. That Ira Allen visited Cumberland County at this time and was zealous in counteracting the efforts of New York, appears from the following item in his account against the State, which will be found in Thompson's *Vermont*, Part II, p. 107:

1777. August 10. To 14 days going into the county of Cumberland—to explain a resolution of Congress—to counteract the policy of N. Y.—to appoint some officers for Col. Samuel Herrick's Regt. of Rangers, pay bounty money, &c., £7 0 0.

[3] Benjamin Spencer of Clarendon; see note *ante*, p. 68.

of all the Members is required (that are on this side the mountain) to make a quorum, and as some of us want to visit our families, we wish for your speedy attendance on the council, together with the other Members on the east side of the mountain. We have herewith sent an express to Col. Marsh and Olcott, for one half of their militia. The enemy have pointed their whole force toward Albany and evacuated this State entirely, they have left Ticonderoga with but about 100 men, as we find by our friends, who they have taken prisoners, and have made their escape.

Our Army lies at Still Water and recruits are daily passing through this town on their way to join them. Their army is in part as low down as Saratoga, the rest at Fort Edward. Their Indians do some mischief by firing on scattering parties, &c. A subaltern Officer of our Rangers returned last evening with a small scouting party of six men only from Saratoga with two Tory Prisoners, eight head of cattle, a span of horses and a waggon.

Pr Order,

PAUL SPOONER, *D. Sec'y.*

*Brig. Gen. Bayley.*

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*Circulars to the Colonels of the State Militia.*

[From Vt. Hist. Soc. Collections, Vol. I.]

STATE OF VERMONT, IN COUNCIL OF SAFETY,
Bennington, 13th Augt. 1777.

*Dear Colo*,—By Express this day received from the Commanding officer of the Northern Department, we Learn that a door has now opened for the troops of this State to do Duty on this Side the North River, which will be clear from Gen. Schuyler's Command, and as an Expedition is on foot of the greatest importance, which is to remain a secret till the Troops are Collected, these are therefore the most Positive terms to Require you without a moment's Loss of Time to march one half of the Regiment under your Command to this Place. No small excuse at this Juncture can be received.

Whilst I am writing this we are informed by Express that a Large Body of the Enemy's Troops Were Discovered two hours ago in St. Koik, 12 Miles from this Place, and another Body at Cambridge, About 18 Miles from this, that they marched Boldly in the Road, and there will Doubtless be an attack at or near this Place within 24 howers. We have the assistance of Majr general Stark with his Brigade, You will hurry what Rangers forward are Recruted with all speed. Now is the time, Sr.

I am Sr your Humble Servant.

Sr, I Desire you would By order of Council Send this Express to General Baley, Peter Olcott, Col., Colo Marsh.

JONAS FAY, *Vice President.*

*To Maj. Israel Smith of Strafford.*

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[From Slade's State Papers, p. 197.]

STATE OF VERMONT,
Bennington, in Council of Safety, August 15, 1777.

*Sir*,—You are hereby desired to forward to this place, by express, all the lead you can possibly collect in your vicinity; as it is expected, every minute, an action will commence between our troops and the enemies',

within four or five miles of this place, and the lead will be positively wanted.

By order of the Council, PAUL SPOONER, *D. Sec'y.*

*The Chairman of the Committee of Safety, Williamstown, [Mass.]*

The same request sent to the Chairman of the Committee, Lanesboro, the same date—sent by Jedediah Reed, Paulett.

Madam—Please to send by the bearer, Jedediah Reed, 6 or 7 lbs. of lead, by Col. Simonds' order.

By order of Council, PAUL SPOONER, *D. Sec'y.*

*Mrs. Simonds.*

# OFFICIAL RECORD

OF THE

# COUNCIL OF SAFETY

OF THE

# STATE OF VERMONT.

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AUGUST 15, 1777, to MARCH 12, 1778.

CERTIFICATE PREFIXED TO THE OFFICIAL RECORD.

The first 20 pages in this Book is left blank for the purpose of Entering the Minutes of the Council of Safety of the State of Vermont from Jany. 1776 [to] the 15th August 1777,[1] during which time Col$^{o}$. IRA ALLEN was Secretary and has the Minutes of s$^{d}$ Council in his possession.

Certified by JOS. FAY, *Sec'y.*

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[1] Secretary FAY counted the records of the General Conventions, beginning in January 1776, as part of the "Minu$^{t}$es of the Council of Safety of the State of Vermont." It is true that the Conventions were in fact Councils of Safety, but that title belongs *technically* to the Council of twelve established by the Convention at Windsor, July 8, 1777.

# OFFICIAL RECORD

OF THE

# COUNCIL OF SAFETY.

AUGUST 15, 1777, to MARCH 12, 1778.

---

BENNINGTON, 15 August 1777.

A warrant was given to Dr. J. Rhuback to impress a horse to Ride to Gen. Stark's Head Quarters in this Town, drawn in the usual form.[1]

*To Lieutenant Peter Roberts one of the Commissioners of Sequestration:*

*Sir*,—You are hereby directed to forward the Cattle under your care (being 111 head) to New Providence, then and there to Advertise said Cattle and expose them to Sale at Public Vandue, and [keep] fair accounts of said Cattles Natural & Artificial Marks and age with their particular prices and make Returns of the Money with all your proceedings to this Council as soon as may be.

PAUL SPOONER, *D. Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, August 16th, 1777.

*To Colonel John Williams:*[2]

*Sir*,—You will proceed with your party Towards the lines, and if the Enemy should retreat, you will Repair to the Road leading from St. Coik [San Coick] to Hoosach [Hoosick,] and if you make any discovery, Report to this Council; At the same time you are to pay proper Attention to the Road Leading from Hoosach to Pownall.

By order of Council, PAUL SPOONER, *D. Sec'y.*

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[1] JACOB ROBACK was appointed by the General Assembly, March 20, 1776, surgeon for Captains Ebenezer Allen and Isaac Clark's Companies. He acted in that capacity in 1777, and again in 1779.

[2] Perhaps Col. John Williams of Salem, N. Y.—See *Vt. Hist. Soc. Collections*, vol. II, pp. 71, 133. There was a Captain John in the revolutionary war from Massachusetts, who may have been Colonel of militia.

[From Vt. Hist. Society Collections, Vol. I, p. 203.]

Read in the New York Council of Safety at Poughkeepsie, August 19th, 1777—forwarded from the Albany Committee.[1]

STATE OF VERMONT. IN COUNCIL OF SAFETY, }
Bennington, 16th August, 1777, 6 o'clock [P. M.] }

*Gentlemen.*—Brigr. Gen. Stark from the State of New Hampshire with his Brigade, together with the militia and company of Rangers

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[1] *Journal of N. Y. Council* Vol. I, p. 1044. This circular is not in the official record. The meagre official account preserved of the services of the Council at this critical period is in a great measure compensated for by the following tribute from Brig. Gen. JOHN STARK :

[From the Hartford *Courant* of Oct. 7, 1777. Reprinted in Vt. Hist. Soc. Coll., vol. I, p. 228.]

BENNINGTON, August 18, 1777.

*To the printer of the Connecticut Courant,*—The following exertions of the Council for the State of Vermont since the evacuation of Ticonderoga, Mount Independence, &c., may be depended on as facts which I think justly deserve a space in your useful paper ; you are therefore desired to publish the same.

Those Gentlemen were with others attending a General Convention of that State at Windsor, when the above mentioned fortresses were besieged by the enemy, who constantly received intelligence of the movements of the several bodies. Every method in their power was taken to forward the militia in this and the Eastern States to the assistance of General St. Clair, as well as provisions of every kind. On receiving authentic intelligence of the evacuation of those fortresses, and that a stand was to be made at Bennington, the same day, the honorable convention, then sitting as aforesaid, appointed twelve members as a council to transact public business of the state during the recess of the convention ; who without delay repaired to Manchester, where Col. Warner's regiment of Continental troops was at that time posted ; which they finding were not a sufficient force to withstand the enemy in case of an attack, exerted themselves in a most spirited manner, and collected the militia of said state, which enabled Col. Warner to maintain that post. At the same time they wrote to the Honl. the Council of the State of New Hampshire, setting forth in the most pressing terms the necessity of the assistance of the militia of that State to guard so valuable a part of the country from the immediate ravage of the Indians, as was threatened by Gen. Burguoyne's manifesto.

The Honl. the Council of New Hampshire, taking the same under their immediate consideration, ordered a fourth part of twelve regiments to be forthwith drafted and put them under my command, at which time I received orders to march to Manchester and act in conjunction with Col. Warner. After my arrival at that place I received orders from Major General Lincoln, pursuant to orders from General Schuyler, to march my whole brigade to Stillwater, and join the main army then under his command. At the same time requested the whole of the militia (by Gen. Schuyler's order) of the State of Vermont to join him and march to Stillwater as aforesaid. In obedience thereto I marched with my brigade to Bennington on my way to join him, leaving that part of the country almost naked to the ravage of the enemy. The Honorable the Council then sitting at Bennington were much against my marching with my Brigade, as it was raised on their request, they apprehending great danger of the enemy's approaching to that place, which afterwards

raised by this State, with parts of Col. Symond's regiment of Militia, [from Berkshire County, Mass.,] are now in action with a number of the enemy's Troops assembled near this place, which has been for some time very severe. We have now in possession (taken from them this day) four brass field pieces, ordnance stores, &c., and this minute four or five hundred prisoners have arrived. We have taken the ground, although fortified by entrenchments &c., but after being drove about one mile the enemy, being reinforced, made a second stand, and still continue the action. The loss on each side is doubtless considerable. You are therefore in the most pressing terms requested by Gen. Stark and this Council to forward the whole of the militia under your several commands to this place without one minute's loss of time :—they will proceed on horseback with all the ammunition that can be provided conveniently. On our present exertions depends the fate of thousands.

I am, gentlemen, your Most Obt. Servant,

JONAS FAY, *Vice President.*

*To the Gentlemen officers nearest this place commanding Regiments of Militia in the several United States.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, Bennington, 20th Aug., 1777.

*Sir*,—You are hereby required to raise seventy-five abled-bodied effective men of your Regiment of Militia, exclusive of the common quota of Commissioned officers for such numbers, which number you will Cause to be continued in the Field under the Commandiug officer of the Eastern Militia until the first day of December next, unless sooner discharged by such Commanding officer ; Should you find it more convenient for part or all such Troops to be relieved before that time, you will do it, Observing always to keep the full number in the Field. Those who ingage are to do it only on the principle of being under the Regulation of the Continental Army during the time they serve, altho' under the command of the above officer.

By order of Council,

THOMAS CHITTENDEN, *Prs't.*[1]

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BENNINGTON, August 23, 1777.

David Breakenridge[2] is permitted to remain at his Father's house under the care of the Guard at that place until further orders.

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we found truly to be the case. They happily agreed to postpone giving orders to the militia to march, by which, together with their repeated applications for the militia of the state of Massachusetts Bay, and supplying with arms and ammunition, afforded the greatest assistance in obtaining the glorious and memorable victory over the enemy near this place on the 16th instant, who were determined to have penetrated the country.

I cannot therefore in justice resist giving the Hon[l]. Council the honor of exerting themselves in the most spirited manner in that most critical time.

JOHN STARK, B. D. G.

[1] Probably a circlar addressed to different officers. The name of the officer addressed, it will be observed, is not given.

[2] Son of Lieut. James Breakenridge, of whom see note, *post*, p. 151.

STATE OF VERMONT. IN COUNCIL OF SAFETY, }
Bennington, 23d Aug. 1777. }

*To Asa Baldwin*,[1] *Samuel McCoon, William Underhil, Thomas Baldwin*,[1] *and Moses Veal*, [*Vail:*]

Notwithstanding your ungratefulness to your Country, & notwithstanding you have by your Conduct forfeited the confidence of your Countrymen, yet nevertheless on the application of Captain Abraham Underhill[2] in your behalf, this Council are Induced out of humanity, to accept you again into friendship on your Voluntary Surrender, and Taking the Oath of Fidelity to the United States of America forthwith and dispensing with the loss you have already Sustained to Attone for past folly.[3]

By order of Council,
THOMAS CHITTENDEN, *Pres't.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 24th Aug. 1777.

*To Elisha Clark, Gentleman:*

Reposing special Trust and Confidence in your Patriotism Valor and Good Conduct & experience in Military discipline, we have appointed you Adjutant in Lieut. Colonel Samuel Herrick's Regiment of Rangers, Commanding all officers and soldiers to Obey you as Adjutant. And when said Regiment is full you will be duly Commissioned, until which Time this shall be your Sufficient Warrant.

By order of Council,
THOS. CHITTENDEN, *Pres't.*

Attest, IRA ALLEN, *Sec'y.*

*Resolved*, That James Walsworth[4] be & he is hereby appointed Quarter-master to Lieutenant Colonel Samuel Herrick's Regiment of Rangers.

Attest, IRA ALLEN, *Sec'y.*

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[1] Asa Baldwin was the first town clerk of Dorset; Thomas was his brother. The Baldwins and Underhills of Dorset came from New York. Asa was a strict Churchman and a Royalist.—*Vermont Historical Magazine*, vol I, pp. 182, 186.

[2] Abraham Underhill represented Dorset in the Conventions of July and September 1776, and was one of the nine persons appointed July 25 1776 as a Committee of Appeals in matters relative to the cause of American Liberty. He commanded a military company raised for the defense of the State. He was a member of the General Assembly in Oct. 1778, '80, '81 and '84, and died in 1796.—*Vt. Hist. Soc. Collections*, vol. I, p. 15, 23, 24, 25, 294, 295; *Vt. Hist. Mag.*, vol. I, p. 184.

[3] Dec. 12, 1777, the Council discharged the abovenamed persons "for whatever they may have said or acted relative to the dispute between Great Britain and America to the 23d day of September last."

[4] James Walworth was attempting to hold land under Goldsbrow Banyar (clerk of the New York Council) in 1772, and had been informed by James Breakenridge of Bennington and others, that Banyar disavowed any connection with him. Possibly this man became the Vermont quarter-master.—See *E. Allen's Ms. Papers*, p. 79.

STATE OF VERMONT. IN COUNCIL OF SAFETY,
Bennington, 25 Aug$^{t.}$ 1777.

*To Captain John Fassett:*

*Sir*,—You are hereby required to Take a pottash Kittle for the Hessian Troops to Cook in, give your Rec$^{t}$ for the same & bring the same to the Meeting-House in this place.

By order of Council, IRA ALLEN, *Sec'y.*

*Resolved*, that Captain Ebenezer Allen[1] be the first Captain in Lt. Colonel Samuel Herrick's Regiment of Rangers.

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STATE OF VERMONT. IN COUNCIL OF SAFETY,
Bennington, 26$^{th}$ Aug$^{t.}$ 1777.

*To Adjutant Elisha Clark:*

You are hereby required to make Return of the names and Numbers of the officers non-commissioned officers and Soldiers belonging to Colonel Samuel Herrick's Regiment of Rangers already raised within this State for the Defence thereof to Ebenezer Walbridge at Arlington, at 10 oclock of the Morning of the 28th instant, as he is appointed and authorized to muster and Return the several Musters of the whole in order to their being severally entered and intitled to their pay agreeable to their Several Ranks. And you are further ordered to Take particular accounts of the several Companies and names of the several soldiers of that Core who may hereafter join at every opportunity. Of this you are not to fail.

By order of Council, THOMAS CHITTENDEN, *Pres't.*

Attest, IRA ALLEN, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY,
Bennington, 27$^{th}$ Aug$^{t.}$ 1777.

Whereas this Council have rec$^{d}$ a Letter from Captain Burroughs at Arlington acquainting us that our Scouts had Taken all the Stock of

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[1] EBENEZER ALLEN was born at Northampton, Mass., Oct. 17, 1743, and was a descendant of Matthew Allen, who came to New England in 1632 with Rev. Thomas Hooker of Chelmsford. Of Matthew the Samuel Allen was a brother, from whom descended Joseph the father of Ethan, Capt. Heman, Maj. Heber, Lieut. Levi, Zimri, and Col. Ira, nearly all of whom were famous in the early history of Vermont. Ebenezer Allen was appointed lieutenant in Warner's regiment, 1775; captain, as above, Aug. 25, 1777; member of the Board of War in 1779; and major of Rangers and colonel of militia in 1780. He distinguished himself in the battle of Bennington, and particularly so by a night attack with forty men on Mount Defiance, and its capture, in September, 1777, and also the capture of fifty of the rear guard of the enemy on their retreat from Ticonderoga at that time. He was a brave and successful partisan leader. He settled in Poultney in 1771; removed to Tinmouth and represented it in several conventions in 1776 and 1777; removed to South Hero in 1783, which town he represented four years in the General Assembly; and to Burlington in 1800, where he died March 26, 1806.—See *Early History*, p. 451; *Vt. Historical Magazine*, vol. I, p. 607; and Deming's *Catalogue*, 1778 to 1851.

every kind from Anger Hawley's wife of Reuport & she had made application to him for a Cow as her Children were in a Suffering Condition, These are therefore to Require you to Let her have one Cow for the time being out of the first Cows you Take from any disaffected person.

By order of Council,

IRA ALLEN, *Sec'y.*

*Lieu't. Martin Powel,*[1] *Commissioner Sequestration.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, Bennington, 27th August, 1777.

These are to require all persons in this State, that have Taken any effects from or belonging to any person in the State of New York in these late disturbances to deliver up such effects to Mr. John Abbott and Captain Nathan Smith, as they are appointed by Major Younglove one of the Commissioners of Sequestration for said State, to take care of such effects in behalf of said State, their proving their property to such effects, Provided such effects are not Taken in the Field of Battle.

By order of Council, IRA ALLEN, *Sec'y.*

*To whom it may concern.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, Bennington, 27th August, 1777.

To ——— ———:

*Sir,*—You are hereby required to Take four Horses Belonging to John Munro Esq.,[2] supposed to be at Mr. Breakenridge's, and them safely keep and convey them to this Council as soon as may be.

By order of Council, IRA ALLEN, *Sec'y.*

The gentleman in whose Custody the horses are is requested to deliver them to the bearer.

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[1] Lieut. MARTIN POWELL of Manchester was one of the committee of seven who issued the warrant for the Convention of Jan. 16, 1776, and delegate in the Conventions of 1776 and 1777; member of the first General Assembly, March, 1778, and for eight years subsequently; judge of the first Bennington county court; judge of probate twelve years; and member of the Convention of 1791 which adopted the Constitution of the United States. Rev. Martin Powell of Westford was another man of the same name.

[2] JOHN MUNRO, Esqr., of Shaftsbury, the title being accorded to him in the text in virtue of a magistrate's commission granted to him by New York. After the New York authorities had granted lands in Vermont in violation of the order of the king in council, of July 24, 1767, and taken measures to enforce these grants, an organization of the Green Mountain Boys was formed for resistance, in which Ethan Allen, Seth Warner, Remember Baker, Robert Cochran, and Gideon Warren, were captains. They and their followers were in the habit of chastising all Yorkers, who interfered offensively, "with twigs of the wilderness," and one of their victims was Hugh Munro, an old offender, who was lashed three times, each time until he fainted, when his wounds were dressed and he was banished from the State. This scene, and others resembling it, was fol-

STATE OF VERMONT. IN COUNCIL OF SAFETY, August 27, 1777.

*To Lieutenant Silas Watson:*

You will please to send all the evidence you have against Jonathan Card & Peleg Card, [of Pownal.] As we propose to bring them on tryal on the 29th Instant we shall depend on hearing from you by said day.

By order of Council, IRA ALLEN, *Sec'y.*

---

lowed by a proclamation of Gov. Tryon of New York, dated Dec. 9, 1771, offering a reward for the arrest of each of the captains above named. Esquire Munro's house had been visited by them, and they had fired into it, so alarming him that he fled for safety into New York. Gathering there a *posse* of ten or a dozen men, Munro repaired to the house of Remember Baker of Arlington, to arrest him under Tryon's proclamation, and at about day-light on the morning of March 22, 1772, broke into the house, wounded Baker and his wife, maltreated his children, and retired into New York with the wounded Baker as a prisoner. Ethan Allen published in the *Connecticut Courant* an account of this savage affair, which will be found in Du Puy's *Ethan Allen and the Green Mountain Heroes of* '76, pp. 161–164, and in *Vt. Hist. Mag.*, vol. I, pp. 124–125. An alarm was at once spread, Munro was pursued, and Baker rescued and restored to his family. From this time Munro was so much in fear of the Green Mountain Boys that he remained quiet until 1777, when he fled to Burgoyne's camp, and the Vermonters confiscated his property. His name is in the list of those who were forever proscribed by the Vermont act of Feb. 26, 1779. The fact that he failed of recovering in England damages for the loss of his Vermont land, because it was covered by a New Hampshire grant, has already been noticed.—See Du Puy's *Ethan Allen;* H. Hall's *Early History;* and *Vt. Hist. Magazine.*

It is a very singular fact that two entirely different lists have been preserved of the persons who rescued Baker from the clutches of Munro. The first in the columns below is from a detailed account printed in the *Rural Magazine*, 1795, furnished by "T.," which may stand for either Samuel Tubbs or Isaac Tichenor—most probably the last named. This was published when many of the actors were living, and every good reason for either concealment or misrepresentation had passed. Gov. HALL regards it as the true list, for these reasons, and also because the men were residents of Bennington, and Munro asserted that the rescuers were Bennington men. The other list is from the *Documentary History of New York*, vol. 4, p. 777. The names given are of Arlington and Sunderland men, who, says Gov. HALL, "could not have been the actual rescuers." This list, however, is represented as having been furnished by Munro himself. This palpable contradiction is explained by Governor HALL by the supposition that Munro gave the names of another party bent on the same business. Such a party did go in pursuit of Munro and his prisoner, were met by the Bennington party, and both returned to Vermont together—so says the Magazine. Another theory

STATE OF VERMONT. IN COUNCIL OF SAFETY, 27 August, 1777.

*To Captain Joseph Farnsworth, Commissary, Bennington:*

*Sir*,—If you please to give Lieut. Benjamin Chamberlin and three men with him three days provisions, as they are Bold Volunteers, this Council will Settle with you for the Same.

By order of Council, IRA ALLEN *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 27 August, 1777.

Permit Mrs. Munro to keep her cattle, sheep, swine, and other effects, until orders is given from this Council for her to Diliver them up.

By order of Council,

THOMAS CHITTENDEN, *Pres't.*

*To whom it may Concern.*

N. B. To Mrs. Munro, by sending to Bennington Tomorrow you can have one of your Riding horses to use until we send for him.

p^r^ order, THOMAS CHITTENDEN, *Pres't.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 27 August, 1777.

*To Mr. Harris:*—You are hereby directed to employ some men to Harvest Mr. Breakenridges wheat and put the same in his Barn, you also pay the expense out of the wheat, and what is not wanted for the use of the family you will keep until further orders from this Council.

By order of Council,

IRA ALLEN, *Sec'y.*

---

worth thought is, that the Bennington party assumed and called themselves by the names of the Arlington men. It is not without the serious objection that only twelve men can be accounted for in that way, to wit: ten of the Bennington party, and Caleb Henderson and John Whiston, who, according to the Magazine, tried to resist Munro when he attacked Baker's house. An equally serious objection exists to the other theory, viz., that Munro should have the names of twelve men who did *not* rescue Baker from his grasp, and did not have the name of even one of the ten Bennington men who *did* rescue him. The two lists are as follows:

*Magazine List.*

1. Gen. Isaac Clark,
2. Col. Joseph Safford,
3. Maj. Wait Hopkins,
4. Col. David Safford,

Messrs.

5. Timothy Abbott,
6. Stephen Hopkins,
7. Elnathan Hubble, [Hubbell,]
8. Samuel Tubbs,
9. Ezekiel Brewster,
10. Nath. [Nathaniel] Holmes.

*Munro's List.*

1. Joseph Bradley,
2. Lemuel Bradley,
3. Jesse Sawyer,
4. Isaac Vernernum,
5. Abel Castle, jr.,
6. Curtis Hawley,
7. Elisha Sherman,
8. Philo Hurlbut,
9. Abijah Hurd,
10. Ebenezer Wallis,
11. John Whiston,
12. Austin Seela,
13. Justice Sherwood,
14. Caleb Henderson.

See *Vt. Hist. Mag.*, vol. I, p. 125; H. Hall's *Early History*, pp. 134–137; *Rural Magazine*, vol. I, pp. 415–420.

STATE OF VERMONT. IN COUNCIL OF SAFETY, 28th August 1777.

*To Mr. David Fassett:*

*Sir*,—You will proceed to Mr. James Breakenridges[1] and make strict examination of his Improvements or Lands adjoining and if you find any Stock or other effects which you have reason to Suspect belongs to any Enemical persons within this State you will seize the Same and Cause it to be Brought to this Council as soon as may be.

By order of Council, IRA ALLEN, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 29th August, 1777.

*To Mr. David Fassett:*

*Sir*,—You are to proceed to the House of Mr. John Munro of Shaftsbury, and seize all his Lands and effects of whatsoever name or nature, and bring all his writings, Together with all his Movable effects, to this Council, excepting Two cows & such other effects as are wanted for the Support of said Munro's Family, which you are to Leave with the Woman, Taking a proper account of them.

By order of Council, IRA ALLEN, *Sec'y.*

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[1] Lieut. JAMES BREAKENRIDGE of Bennington has a conspicuous place in the history of the controversy with New York. On his farm the first attempt was made to enforce the authority of New York, Oct. 19, 1769, but it was overawed by the hostile appearance of too many of Mr. B's. neighbors, who, with Mr. B., were indicted therefor as rioters in the court at Albany. In July 1771 a final unsuccessful attempt was made; and then, says Gov HALL, "in fact, on the farm of James Breakenridge was born the future State of Vermont." Oct. 21, 1772, Mr. Breakenridge, with Jehiel Hawley of Arlington, was appointed an agent to represent to the king the grievances of the claimants under the New Hampshire Grants; Jan. 17, 1776, he, with Heman Allen and Jonas Fay, was appointed to represent the case of the N. H. Grants to the Continental Congress; and June 24, 1776, he acted as one of the committee which issued the warrant for the Dorset Convention of the 24th of July following. Although Mr. Breakenridge was never personally engaged in any disorderly proceedings, he was often denounced by the Yorkers as a rioter, and was one of the persons proscribed in the New York riot act of 1774. He acquired his military title by appointment as first lieutenant in the first militia company organized in Bennington, Oct. 24, 1764. He was of Scotch-Irish descent, probably scrupulous about bearing arms against the king, and for that reason, or apprehending that resistance would be vain, he seems to have sought the protection of Burgoyne, as many residents of Vermont and New York did in 1777. Entries on the Council journal show that he had been sentenced to banishment within the enemy's lines, that he applied for relief, and was from time to time reprieved. He finally re-acquired citizenship in Vermont, and adorned it by an honorable life.—See H. Hall's *Early History; Vt. Hist. Soc. Coll.* vol. I; and *Memorials of a Century, Bennington.*

STATE OF VERMONT. IN COUNCIL OF SAFETY, 29th August, 1777.

*To Mr. Jesse Burk, Westminster:*

*Sir*,—You will bring Captain James Clay of Putney[1] (now in your care) before this Council as soon as may be.

By order of Council,

THOMAS CHITTENDEN, *Pres't.*

---

STATE OF VERMONT. IN COUNCIL OF SAFETY, 29th August, 1777.

*To the Committee of Safety in Windsor, and the adjacent Towns in this State:*

*Gentlemen*,—All such persons as you shall have sufficient Evidence exhibited against on Tryal as to prove them so far Enemies to the *Liberties of America* as to be dangerous persons to go at Large you will send to Westminster Gaol, and put them in Close Confinement; If you send any prisoners to said Gaol, you will send a proper Guard, provided it should happen before any prisoners or Guards should be sent from this.

By order of Council,

THOMAS CHITTENDEN, *Pres't.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 29th Aug^t. 1777.

*To Mr. Benjamin Fassett:*

*Sir*—You are hereby directed to Repair to Pownal & bring from some of the Tories that are gone to the Enemy, or otherwise proved themselves to be Enemies to their Country, a Load of Saus [sauce] for the use of the Hundred prisoners Here, and make returns to this Council of what you bring and from *whom.* You will Leave Sufficient for their families. Per Order, THOMAS CHITTENDEN, *Pres't.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 29th August, 1777.

Whereas his honor Major Gen^l. B. Lincoln has Requested this Council to Raise a part of the Militia of this State to Serve in Continental Service agreeable to the Resolution of the Hon^ble Continental Congress of the United States, In obedience to which this Council have heretofore Resolved that three hundred & twenty-five men of the Militia of this State should be Raised for the defence of this and the United States of America, and whereas the price of all kinds of Provisions & Clothing are Raised to Exorbitant Prices,

Resolved therefore that fifty shillings p^r Month be paid to Each person that shall Serve agreeable to the aforesaid Resolution in Addition to their Continental pay.

By order of Council,

IRA ALLEN, *Sec'y.*

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[1] Capt. CLAY was a leading supporter of the authority of New York in Cumberland county, but not a tory. He was arrested because of his zeal for New York, and discharged after a rebuke by Chittenden.—See p. 137.

STATE OF VERMONT. IN COUNCIL OF SAFETY, 29 August 1777.

The following Contains a List of the Tories of this State, and the several Crimes with which they Stand Charged, (viz.)

| | |
|---|---|
| Benjamin Eastman,<br>Phinehas Hurd,[1] | By their own Confession are found guilty of assisting the Enemy in disarming the Inhabitants of Sandgate within this State. |
| James Reynolds,<br>Ephraim Mallory,<br>John Davoe,<br>Solomon Millington,<br>Bartholomew Wennicks,<br>George Tibbetts, | Acknowledge they Voluntarily joined the Enemy, and were Taken in action the 16th instant. |
| Paul Gardiner, | Taken in action the 16 instant & by his own Confession fired his Piece three times on Genl. Starks Brigade. |
| Joseph Haviland, | Voluntarily applied to Mr. Skeene,[2] took his protection, procured a quantity of ammunition, Promised a number of Cattle, carriages, &c. Taken by Col. Warners [men] on his return endeavouring to carry his projects into Execution. |

[1] A wealthy citizen of Arlington, who was proscribed in the act of Feb. 26, 1779. In *Vt. Hist. Mag.*, vol. I, p. 129, it is said he was abducted, and was never heard of afterward, one supposition being that he was burnt in a prison-ship near New York. His family, it is said, was frequently abused by the Whigs, and his property was confiscated by the state and offered for sale, but nobody would buy it. The General Assembly in 1778 gave the use of the farm to Mrs. Hurd.

[2] Col. PHILIP SKENE, grandson of John Skene of Halyards in Fifeshire, Scotland. He entered the British army in 1739 and was in active service in Europe until 1756, when he came to America. He became captain in the 27th regiment in 1757; was wounded at the attack on Ticonderoga in July 1758, appointed major of brigade in 1759, in October of that year commanded at Crown Point, and at that time projected the settlements at Wood Creek and South Bay now known as Whitehall. In 1762 he was in the expedition against Martinico and Havana and was one of the first to enter the breach at the storming of the Moro Castle. He returned to New York in 1763, and in 1765 obtained a patent for the township of Skenesboro [Whitehall,] fixing his residence there in 1770. He contemplated a much larger jurisdiction from the crown, embracing territory on both sides of Lake Champlain, but was foiled by the revolution. In June 1775 he was arrested at Philadelphia as a loyalist and was held as a prisoner until he was exchanged in October 1776. In 1777 he joined Burgoyne's army as commander of a loyal American regiment, accompanied Baum in his attack on Bennington, and was again taken prisoner at Saratoga. In 1779 he was attainted and his property was confiscated by New York. He then returned to England, where he

| | |
|---|---|
| Ebenezer Washburn,<br>Edward Bump, | Confess they were Conversant with the Enemy, have taken Protection, & voluntarily assisted with Teams, provisions, &c. |
| Abraham Lake, | Found to be in the aforesaid action & supposed to be in Arms. |
| Watts Hubbert, [jr.]<br>[Hubbard, of Windsor,] | The Evidence against him enclosed. |

The above are the whole which the Council have in Custody except some few who have been Brought so late the evidence have not as yet arrived.

I am Dear General your most Obedient Humble servant,

THOMAS CHITTENDEN, *Pres't.*

*To the Hon. Major General Lincoln.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 30th August 1777.

Francis Mattison & David Mattison [of Clarendon] are Permitted the Liberty of this Town [Bennington] until further orders from this Council.

Gave an order on Colonel Brush com'y for 2 days Provision for Isaac Ives & Samuel Barto.

By order of Council, IRA ALLEN, *Sec'y.*

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Phinehas Chase of *Munro Pattent* & Archibald McVicker of *Little White Creek* are permitted to return to their Several Habitations until further orders, They behaving as Becometh.

By order of Council, IRA ALLEN, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 2d September 1777.

*To Lieutenant Ebenezer Hyde:*

Sir,—You are hereby required to Examine the Goods deposited in the cart now in the care of Seth Kealer and Report the Several Articles Particularly which are not wearing apparel, for which this shall be your Sufficient Warrant. You will make Returns as soon as may be.

By order of Council, IRA ALLEN, *Sec'y.*

Francis Mattison and David Mattison are permitted to Return to Clarendon, &c. By order of Council, IRA ALLEN, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 3d September 1777.

Captain Elijah More of Putney and Capt. Leonard Spauldin,[1] are appointed Commissioners of Sequestration, &c.

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died, Oct. 9, 1810, near Stoke Goldington, Bucks.—See Drake's *Dictionary of American Biography;* and Ira Allen's *History of Vermont*, in *Vt. Hist. Soc. Coll.*, vol. I.

[1] Lieut. LEONARD SPAULDING is first named as a resident of Putney in 1768. From the outset of the controversies he was widely known as an outspeaking and sturdy enemy of loyalists and Yorkers, and as such he was a favorite with the whigs and Green Mountain Boys. Thus, in 1771, when a judgment had been recovered against him in a York court and the officer had seized a portion of his property, a large party crossed

Francis Breakenridge is permitted to Return home, & Remain on his father's home farm, and if found off to expect 39 Lashes of the Beach Seal, until further orders from this Council.

Thomas Green is permitted to Return home, on the Recommendation of Maj. Younglove, until further orders.

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STATE OF VERMONT. IN COUNCIL, 3d September 1777.

*To Thadeus Harris of Bennington :*

*Sir,*—You are directed to deliver all the Cattle in you Care or in Mr. Breakenridges Inclosures, that you know or have reason to believe be-

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Connecticut River from New Hampshire into Putney, broke open the enclosure, and rescued the property. In 1774 he had become a citizen of Dummerston, and there he was so free in the expression of his whig sentiments as to earn special attention from the royal authorities. He was arrested and imprisoned eleven days for treason, one account being that "Mr. Spaulding's pretended Crime was, that he threw out some words unfavourable to the British tyrant relating to the Quebec bill by which he is made Pope of that government." Another was, that "One man they put into close prison for high treason, and all they proved against him was that he said if the king had signed the Quebec bill, it was his opinion that he had broke his coronation-oath. But the good people went and opened the prison-door and let him go, and did no violence to any man's person or property." This in no measure dampened the patriotic zeal of Mr. Spaulding, who in 1775 was conspicous among those who resented the Westminster massacre by arresting the royal officers. Again his zeal broke out in 1776, when, at the head of a military force, he held in duress judge and colonel Samuel Wells, a wealthy citizen of Brattleboro and a leader among the Yorkers and loyalists. For this irregularity he was arraigned by the Cumberland County Committee on the 25th of July, 1776, and it was resolved "that Lieutenant Spaulding make suitable Confession to the Committee for his Conduct in Taking Col°. Wells by military force, that mode of proceeding Being Contrary to the minds of this Committee, and also a Violation of a Certain Resolve formerly passed by this Committee." Whereupon "Mr. Spaulding Comply'd with the above Vote by making his proper Confession, &c." When in 1781 the Vermont government, by way of conciliation, had appointed two well known Yorkers to office—men who were officials under New York at the time of the Westminster massacre—Mr. Spaulding united with others in sending an indignant remonstrance to the Governor and Council, which effected a delay in the issuing of the commissions, though finally the gentlemen thus complained of became valuable and acceptable officers. Lieut. Spaulding was a delegate in all the Conventions beginning with that of Sept. 25, 1776, and representative of Dummerston in the General Assembly of March, 1778, and for the years 1781, '84, '86, and '87.—See *Eastern Vermont*; Slade's *State Papers;* and Deming's *Catalogue*, 1778 to 1851.

longs to the State of New York, to Major Younglove, as he is one of the Commissioners of Sequestration for said State.

By order of Council, IRA ALLEN, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 3d September 1777.

Then personally appeared David Smith & acknowledged himself bound in a recognizance of one hundred pounds to the Secretary of the Council of the State of Vermont, That Captain Michael Lantman shall appear before the General Committee of Albany within six days to answer any Complaint that may be exhibited against him.

Richard Bovey and Garritt Bovey are permitted to Return to their farms, there to remain until further orders from Albany.

John Bass of Colo. Hale's Regiment who has been taken & retaken, is permitted to pass to his Regiment.

Resolved that Captain Benjamin Wait[1] be and he is hereby appointed Major in Lieutenant Col. Samuel Herrick's Regiment of Rangers.

Pr order of Council, IRA ALLEN, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 4th September 1777.

*To the officer Commanding the Gnards at Capt. Dewey's Barn:*

*Sir*,—You are hereby required to Remove all the prisoners to the School House & see that there is a proper Guard over them except

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[1] BENJAMIN WAIT, though not ranked among the few persons who are recognized as leaders of the people and founders of the state, has left a record which is very remarkable for the many military and civil services recorded, and the graces that prove and adorn a Christian character.

He was born in Sudbury, Mass., Feb. 13, 1737, and at the age of eighteen entered military service under the British General Amherst. In 1756 he was captured by the French, taken to Quebec, and from thence to France, where he was retaken by the English and carried to England. In 1757 he returned to America, and assisted in 1758 in the capture of Louisburgh, and in the reduction of Canada in the two succeeding years. On the submission of Canada he was sent from Detroit to bring in the French garrisons in Illinois, and performed the service successfully in a winter's march which lasted from December until the succeeding March. At twenty-five years of age he had been engaged in forty battles and skirmishes, and had his clothing perforated many times, but received no wound.

In 1767 he settled in Windsor, his family being the third. In 1769 he was employed by Benjamin Whiting of Newbury, (one of the Deputy-Surveyor Generals of New York,) to arrest depredators upon the king's timber. In 1770 he identified himself decidedly with the Green Mountain Boys in their opposition to New York. Feb. 7, 1775, he was the sole delegate from Windsor in the whig convention of the county of Cumberland. Though an avowed opponent of New York in the pending controversy about jurisdiction and land titles, he united, in June 1775, with Maj. Wm. Williams and Maj. Joab Hoisington, in a letter to

those that are wounded. If there is sufficient Room in the Meeting House for them you are to put them there in Lieu of the School House.

By order of the Council, IRA ALLEN, *Sec'y.*

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Resolved that Lieutenant John Barnes be & he is hereby appointed Lieutenant in Captain Richard Wait's Company of Rangers in Lt. Colo. Samuel Herrick's Regiment.

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the New York authorities, which is characteristic both of their patriotism and stern Puritanic religious principles, in that in it they urged the raising of a regiment "of good, active, enterprising soldiers," in order "to keep under proper subjection regulars, Roman Catholicks, and the savages at the northward," and to defend their own rights and privileges "against ministerial tyranny and oppression." August 14 of the same year he signed a list of the officers of the upper regiment of militia in Cumberland county as "Beniamin Wait, Major." Oct. 10, 1776, he was commissioned by New York as captain in Maj. Hoisington's battalion of rangers. Sept. 3, 1777, he was appointed major, by Vermont, in Herrick's regiment of rangers, and he commanded that part of it (perhaps consisting mainly of Ebenezer Allen's company,) which in connection with Col. John Brown swept the British from the north end of Lake George, and consequently from Ticonderoga. He was complimented by the Council of Safety for his "spirited conduct" on this occasion, and in November succeeding was ordered to take possession of Mount Independence. Feb. 10, 1778, he was authorized by the Council to co-operate with Col. Herrick in raising three hundred men for an intended expedition to Canada under Gen. Lafayette, and of this force he was appointed major.

October 23, 1779, he was appointed sheriff of Windsor county, which office he held for seven years, with the exception of a brief period when he resigned the office for other service; and on the 27th of the same month the General Assembly resolved that North and South Hero in Grand Isle county should be granted to him and company, which grant was voted by the Governor and Council Nov. 11, 1779. In Oct. 1783, having been made colonel, he commanded the force detailed to maintain the authority of Vermont in the southern part of Windham county; and in the same month, with Stephen Jacobs, then state's attorney, he by his firmness and good advice quelled an attempted insurrection in Windsor county. In this affair Wait and Jacobs were both wounded, the former being confined twenty-six days by his wound, which was in the head. When "the piping times of peace" had come, the manifold services of Mr. Wait were complimented by the General Assembly in elections to the offices of brigadier general, and finally major general of militia, the last being the highest military title that could be conferred.

The township of Waitsfield was chartered to Roger Enos, Benjamin Wait, and others, Feb. 25, 1782, and Gen. Wait was the first settler in

Captain Joseph Ingley has a permit to Take a Bay mare Taken from Capt. Hurd's Son & use during the pleasure of Council.

Samuel Barto is permitted to Return to his place of abode in Dorset & there to Remain until further orders from this Council.

By order of Council, IRA ALLEN, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 4th September 1777.[1]

*To all whom it may concern:*

You are required to deliver unto Capt. [Peleg] Sunderland the bearer such Arms and other Accoutrements as you have taken from the field of Battle in Hubbardton, and on the receipt of your accounts you will be reasonably paid for your trouble.

By order of Council, IRA ALLEN, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 4th September 1777.

This Council having heard the evidence against Arthur Bostwick[2] heard his Evidence, and considered the case with all the attending circumstances, do judge and order that the said Bostwick pay a fine for the use of this State of Three pounds and stand Committed until this Judgment be complied with.

By order of Council, THOMAS CHITTENDEN, *Pres't.*

Thomas Bull has given his word for the above sum, to be forthwith paid.

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 4th September 1777.

This Council having before them ———— ————,[3] who stands charged with being an Enemy to the United States of America, having heard the Witnesses and considered them with all the attending circum-

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1789. He was also the first representative, chosen in 1795, and was re-elected in 1796, '7, '8 and '9, and 1801 and '2. He was truly "the father of the town," which became the last and best fruits of his life, in the intelligence, piety, and thrift of its people. It is one of a number of almost purely agricultural towns, perched on the hills like Peacham and Randolph, or nestled in the deep valleys of Vermont, which have been famous not only for the general excellence of their people, but for the many strong and useful men they have sent out to bless other communities with like good fruits. Gen. Wait died in 1822, aged 86 years.—See Zadoc Thompson's *Vermont Gazetteer*, first edition, 1824; B. H. Hall's *Eastern Vermont;* and Deming's *Catalogue*, 1778 to 1851.

[1] Two pages of the record are missing, and the proceedings (being of Sept. 4,) are supplied from Slade's *State Papers*, p. 204. Mr. S. undoubtedly copied them before the record had been mutilated.

[2] Name omitted in Slade. The permit to Arthur Bostwick, granted on the next day, indicates that he was the man.

[3] Blank in Slade. Probably Samuel Rose of Manchester was the person, as the Council, five days after this date, resolved to confiscate his estate. Rose was proscribed by the act of Feb. 26, 1779.

stances, do judge that the said ———— ———— is an Enemy to the said States and a dangerous person to go at large, Therefore order that he be committed to Close Confinement until Released by order of this Council. By order of Council, THOMAS CHITTENDEN, *Pres$^{t}$.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 4$^{th}$ September, 1777.

Resolved that Gen. Jacob Bailey, Dr. Jonas Fay, and Capt. Ira Allen be a Committee to wait on the Hon$^{ble}$ Major General Lincoln to assure him that every Aid and Assistance in the power of this Council will be Granted him on the earliest notice.

By order of Council, IRA ALLEN, *Sec'y.*

Bennington, 5th September, 1777; Commissionated Major Benjamin Wait. IRA ALLEN, *Sec'y.*

Jonathan Smith is Permitted to pass to Litchfield in Connecticut & Return in 15 days.

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STATE OF VERMONT. IN COUNCIL OF SAFETY, }
Bennington September 5$^{th}$ 1777. }

Permit Arthur Bostwick to pass the Guards from this to Manchester, and Remain on his farm during his Good Behaviour or the pleasure of this Council. Pr order, THOMAS CHITTENDEN, *Pres$^{t}$.*

Let him Take his oxen and cart.

*To whom it may concern.*

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BENNINGTON 5 Septem 1777.

*Dear General*—Agreeable to the proposals of Last Evening the Council of Safety would Recommend to your honor Colonels Seth Warner & Samuel Herrick,[1] as persons who from their knowledge of the Situation

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[1] SETH WARNER was born in Woodbury, (then Roxbury,) Conn., May 17, 1743, came to Bennington to reside in January 1765, and in 1771 was elected, by a Convention, one of the "Captains of the Green Mountain Boys," of whom Ethan Allen was the commander, whose special duties were to protect the New Hampshire grantees and resist the attacks of the New York authorities upon them. In this business Warner was zealous and thorough, and yet his zeal was tempered by wisdom. May 10, 1775, he commanded the party that captured the fort at Crown Point. In July 1775 he was elected, by another Convention, lieutenant-colonel commandant of the regiment of Green Mountain Boys to serve in the continental army; early in 1776 he raised another regiment and served very efficiently in Canada; and July 5, 1776, he was appointed colonel by Congress, and raised still another regiment, which he commanded through the war. As the resolutions of Congress in respect to this regiment have rarely if ever been printed in the histories of Vermont, they are here given. June 25, 1776, Congress had resolved

That a colonel's commission be immediately issued to major Dubois, with instructions forthwith to raise a regiment to serve for three years, or during the war, and *that the corps of officers be composed of such as have served with credit in Canada;* no officer to receive his commission until his company be raised and armed; the arms of the people enlisting

of the Country to the Northward of this, & their particular acquaintance with a number of persons under their Command, who have for a Number of years Inhabited contiguous to the several post which the Enemy at

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themselves, to be valued by the committees of the counties, where the companies are raised, and paid for by the continent, on their being mustered.

This was followed, July 5, 1776, by the following:

*Resolved*, That a regiment be raised *out of the officers who served in Canada*, on the same terms on which the regiment, to be commanded by colonel Dubois, is to be raised; and that the following persons be appointed officers of the said regiment:

Seth Warner, colonel;
Samuel Safford, lieutenant colonel;
Elisha Painter, major;

Wait Hopkins, John Grant, Gideon Brownson, Abiather Angel, Simeon Smith, Joshua Stanton, [Abner] Seely, Jacob Vorsboroug, captains; John Allen, ——— Fusset, [John Fassett, jr.,] [Ebenezer] Walbridge, [William] Deane, James Gold, —— Sill, Ebenezer Hide, Gamaliel Painter, first lieutenants.

Ebenezer Beaumont, adjutant.—*Journals of Congress* 1776, vol. II, pp. 219, 234.

In every emergency of unusual difficulty, Warner was always relied on as a safe man; and so it happened that he was assigned to bring up the rear in the disastrous retreat from Canada in the spring of 1776, and still again, in July of the same year, when he commanded the rear-guard in St. Clair's retreat from Ticonderoga, and fought the bloody battle on the stubbornly contested field of Hubbardton. At Bennington, only the remnant of his regiment saved at Hubbardton was present. Warner himself was there in advance of them, and with Stark planned the attack, and after the victory Stark in his official account said: "Warner's superior skill in the action was of great service to me." Hon. D. S. Boardman of Conn., who had often seen Warner, thus described him:

Col. Warner was of noble personal appearance; very tall, not less than six feet two inches; large framed, but rather thin in flesh, and apparently of great bodily strength. His features were regular, strongly marked, and indicative of mental strength, a fixedness of purpose, and yet of much benevolent good nature, and in all respects both commanding and pleasing. His manners were simple, natural and in all respects entirely free from any kind of affectation; social, at once both pleasing and dignified; and when engaged in relating the events of his life, both military and ordinary, he displayed no arrogance, but interwove in his narrative a notice of such incidents as showed love of adventure, and at the same time his love of fun.

In the summer of 1784 Warner's health failed, and he returned to his native town and died there in December of that year, in the forty-second year of his age.—See *ante*, pp. 6–10; also H. Hall's *Early History;* and Daniel Chipman's *Memoir of Col. Seth Warner.*

Samuel Herrick came to Bennington about the year 1768, but left the town and the state soon after the close of the revolutionary war, re-

present occupy—That on application to either of them at any time they would be ready to furnish your honor with such men or numbers of Inteligible [intelligent] men to Report the particular Situation of the Enemy at every particular post as might be confided in.

I am Dr. General, by order of Council,
Your most Obedient
Humble Servant,
THOMAS CHITTENDEN, *Prest.*

*Major General B. Lincoln.*

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IN COUNCIL OF SAFETY, 6th September 1777.

*To Mr. David Fasset,—*

*Sir,*—Agreeable to Gen. Lincoln's Request to this Council you are directed to engage five Teams to Carry Flour to Manchester this day.

By order of Council,
IRA ALLEN, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, September 6 1777.

*To Capt. William Fitch:*

*Sir,*—You are hereby directed to deliver to Captain Goodenough the bearer Two sides of Leather out of Marshes Fratts [vats] & out of his Leather, Taking his Receipt for the same after appraised.

By order of Council,
IRA ALLEN, *Sec'y.*

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Mr. John Waldo one of the committee of St. Coik is permitted To Take John Sessions[1] to the Committee there.

Resolved that Mr. Joseph Fay, be & is Hereby appointed Secretary to this Council.

Attest,
IRA ALLEN, *Sec'y.*

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moving to Springfield, Montgomery County, New York, and nothing is known of his previous or subsequent life. His record in Vermont was highly honorable. In May 1775 Warner and Herrick were the two Bennington captains who joined the expedition for the capture of the forts at Ticonderoga and Crown Point. On the evacuation of Ticonderoga in July 1777 Herrick was appointed colonel of Vermont rangers, and in August he led the attack on the rear of Baum's right in the battle of Bennington. Gordon, in his history, acknowledged "the superior military skill" of Warner and Herrick. In September of the same year Herrick's regiment with Col. Brown's troops gained the command of Lake George, dispossessed the enemy of Mounts Independence, Defiance, and Hope, and forced their retreat from Ticonderoga. Subsequently Herrick was colonel of the southwestern regiment of Vermont militia.—See H. Hall's *Early History.*

[1] Probably this was not Deacon John Sessions of Westminster, several times delegate in the N. Y. Assembly, and afterward representative of Westminster in the General Assembly of Vermont.

STATE OF VERMONT. IN COUNCIL OF SAFETY, 6 September 1777.

This Council have no objection to Jesse Fields assisting Commissary Brush until General Lincoln's pleasure shall be known concerning the same.

By order of Council,

IRA ALLEN, *Sec'y.*

*To Lieut. Col°. Herrick.*

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STATE OF VERMONT, Bennington September 6 1777.

This may Certify to all whom it may Concern that Brigadier General Stark has this day made a present of one *Hessian Broad Sword* to the Honorable Council of the State of Vermont, in order to be kept in said Council Chamber as a Memorial in Commemoration of the Glorious action fought at *Walloomsack* August 16 1777 in which case the Exertions of the said Council was found to be Exceedingly Serviceable.

By the Donor's order,

JOHN CASEY, *A. D. Camp.*

Copy. Attest,

IRA ALLEN, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL, 6 September 1777.

The following Contains a List of Persons belonging to the state of N. York Confined on Suspicion of being Enemies to the United States of America, viz.

| | |
|---|---|
| Thomas Collins, | Jesse Brown & |
| Reuben Green, | William Moffit. |

The above are the whole which the Council have in Custody.

I am Gentlemen your most Obedient Humble Servant,

THOMAS CHITTENDEN, *Pres't.*

[*To*] *the General Committee at Albany.*

The following Contains a List of the Tories belonging to this State, & the Several Crimes with which they Stand charged, viz$^{t}$.

| | |
|---|---|
| Samuel Rose,[1] | Has joined a Tory Scout under Armes and assisted them in Taking and keeping a prisoner, and by his own confession Given hard money to several young men to induce and Enable them to join s$^{d}$ Scout & go to the British Troops. |
| Beriah Chelson, | Went Voluntarily under Armes to the Enemies Camp, and was Taken on the 16 day of Aug. in the memorable Battle fought near this place. The reason of Chelson's being Sent in Irons is, he has once Broke from the Guards and Got some Miles before Retaken. |

This Council wish those persons to be Sent on Board the Guard Ships in the North River, or otherwise Dealt with as your honor in your Great Wisdom shall think proper.

I am Dr Gen$^{l}$. your most Obedient Humble Servant,

THOMAS CHITTENDEN, *Pres't.*

*The Hon$^{bl}$. Major General Gates.*

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[1] Of Manchester, proscribed by the act of Feb. 26, 1779, and his property confiscated.

Peter Payne being arained for Enemical Conduct towards the United States of America, this Council having heard the Evidence against the said Payne & his Arguments, & having duly deliberated on the same, do Judge & order that the said Peter Payne pay as a fine for the use of this State Twenty pounds, & Stand Committed until Judgment is complied with. Sept. 11, Judgt. is complied with & he has Taken the Oath of Allegiance & is acquitted.

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 6th Sept. 1777.

Bennit Bardsley,[1] — Is proved an Enemy to the United States of America by words & actions & is Judged a Dangerous person to go at Large.

Isaac Ives,[2] — Has taken Proteciion under Genl. Burgoine, and been very officious in assisting Him, by his own Confession been to the Regulars & Drove Cattle.

Nathan Canfield,[3]
Zadock Hard,[4]
Andrew Hawley,[4]
Caleb Daton,[4] — Proved to have been Aiding and assisting to the British Troops, and dangerous persons to go at Large.

This Council having heard the Witnesses with all the Attending Circumstances of the Several persons above named, do judge & order that sd persons be Committed to Close Confinement in the Common Gaol at Westminster until Released by proper authority.

By order of Council, THOMAS CHITTENDEN, *Pres't.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 6 Septr. 1777.

The Council's Compliments most Cordially wait on his Honor Brigadier General Stark, with their sincere thanks for the Honor the General has been pleased to do them, by presenting them with a *Hessian Broad Sword* Taken by a number of Troops from the State of New Hampshire & Elsewhere under his Immediate Command, in the Memorable Battle fought in Walloomsac near this place on the 16 day of August last, And also for the Honor the General has been pleased to do them in applauding their Exertions in a public Weal as a Council.

Pr JOSEPH FAY, *Sec'y.*

*Brig. Genl. Stark.*

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[1] Tried, convicted, satisfied the judgment, and was discharged.

[2] Isaac Ives of Wallingford was proscribed by the act of Feb. 26, 1779.

[3] Nathan Canfield was a prominent man in Arlington. As a tory he was ordered to be confined in jail at Litchfield, Conn., but he was permitted to remain at his home on his friends giving bonds that he would report to the Council at any time. Notwithstanding his tory politics, he was on excellent terms with Ethan Allen, Warner, Baker, and other whigs. Mr. Canfield represented Arlington in the General Assembly of 1786.—See *Vt. Hist. Mag.*, vol. I, p. 134.

[4] These were all tried, convicted, and fined. The record shows that Hard and Hawley satisfied the judgments, and it is presumed that Daton did also.

STATE OF VERMONT. IN COUNCIL OF SAFETY, 8 Septr. 1777.

*To the officer of the Guard at the School House:*—Permit Mr. David Fassett to Take out of the Guard House Zadock Hard & Andrew Hawley; he is to return them in three days.

By order of Council, THOMAS CHITTENDEN, *Pres't.*

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BENNINGTON 8 September 1777.

*Dear General*—In the absence of Doctr Fay Recd your favour of the 7th Instant, in which your honor informs that you have been so kind as to supply our Troops with some necessaries out of the Massachusetts stores, for which this Council return you their sincere thanks, & have to assure you that if the Like quantity of stores are to be had, shall replace them again, otherwise Pay an Equivalent in cash to their full satisfaction.

I am sir Your most Obedient Humble Servant,

THOMAS CHITTENDEN, *Pres't.*

*Major Gen. Lincoln.*

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*To Nathaniel Fisk*[1] *& Phil. Griffen:*

Notwithstanding your ungratefulness to your Country & notwithstanding you have by your conduct forfeited the confidence of your countrymen, yet nevertheless on the application of Mr. Edward Veil in your behalf, this Council are Induced out of Humanity to accept you again into friendship on your Voluntary Surrender & Taking the oath of fidelity to the United States of America forthwith, And dispensing with the loss you have already sustained to atone for your past folly.

By order of Council,

THOMAS CHITTENDEN, *Pres't.*

Whereas Complaint has been made to this Council against you for disposing of cattle & horses belonging to this State, you are therefore hereby summoned to appear before this Council to answer the Complaint *Immediately.*

By Order,

THOMAS CHITTENDEN, *Pres't.*

*To Wm. Searls, Jr., of Arlington.*[2]

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 8 Sept'r 1777.

*To Captain Jonathan W. Fassett:*

*Sir*,—You are hereby Authorized to procure or Impress Ten Teams immediately for the use of forwarding provisions to the Army.

By order,

THOMAS CHITTENDEN, *Pres't.*

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STATE OF VERMONT. IN COUNCIL, 8 September 1777.

*To Captain Ebenezer Allen:*

*Sir*,—This day recd yours of the 6th Instant dated at Manchester Requesting this Council to furnish you with Shoes. We have taken the

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[1] Fisk voluntarily appeared and took the oath of fidelity to the United States, in compliance with this "manifest" of the Council.

[2] Sept. 10, 1777, he was also required to pay for a yoke of oxen. It is presumed these orders were complied with, as Mr. Searls seems to have appealed to the Council afterward for an order to aid him in a dispute with Andrew Hawley.

same into Consideration, & do hereby Recommend to you to Take some Leather out of Marshes Tan yard at Shaftsbury and make Mogasons to answer the present purpose until Shoes can be procured. You are to make application to Captain Fitch or the person who has the care of the yard. The Leather is to be appraised and Returns made to this Board.

By order,

THOS. CHITTENDEN, *Pres't.*

The following is a Copy of a Complaint Rec$^{d}$ from L$^{t}$. Isaac Clark,—

BENNINGTON, 8 September 1777.

*To the Council of Safety,*—I the Subscriber Complain of David Remington of Castleton for going to the Ministerial Army and Serving as Conductor of Teams in the King's Service as doth appear by his writings.[1]

ISAAC CLARK, *L$^{t}$.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 8 Sept$^{r}$ 1777.

*To the Officer of the Main Guard:*

*Sir,*—You are hereby required to take the body of David Remington & him safely keep in the Guard House until further orders from this Council; you are also to Continue him in Irons.

By order,

JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL, 9$^{th}$ September 1777.

Permit Samuel Burton to Take his oxen & keep them until further orders.

p$^{r}$ order,

THOMAS CHITTENDEN, *Pres't.*

*To the person who has them in Keeping.*

Charles Brewster is appointed one of the Commissioners of Sequestation for this State.

Resolved that the Estate of Samuel Rose of Manchester be Confiscated to the use of this State for his Enimical Conduct towards the United States of America. [He was proscribed by the act of Feb. 26, 1779.]

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 9 Sept'$^{r}$ 1777.

Resolved that Nathan Canfield be Committed to Close Confinement in the Common Goal in Litchfield in Lieu of Westminster Goal.

Permit M$^{ess}$. Lemuel Canfield and Jabez Worster to pass to Arlington & move to this place Nathan Canfields Family [and] Moveable effects & Lease out his farm.

By order of Council, THOS. CHITTENDEN, *Pres't.*

*To all to whom it may Concern.*

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STATE OF VERMONT. IN COUNCIL, 10$^{th}$ September 1777.

Whereas W$^{m}$. Searls Ju$^{r}$ has disposed of one yoke of oxen, which is the property of William Beedle of Manchester who has been apprehend-

[1] Remington's property was confiscated, and he was banished by the Council. In Oct. 1778 the Governor and Council issued an order permitting him to live in Cumberland County.

ed as an Enemy to the United States, Resolved therefore that s^d^ Searls be & is hereby directed immediately to pay into the Treasury of this State Seventy four Dollars, which was the sum he Rec^d^ for said oxen.

Execution Issued on the above Judg^t^ to Eb^r^ Wallis.

By Order,

JOS. FAY, *Sec'y.*

*Memorandum.*—Captain Tapan Noble has a Cart in his custody which belongs to this State, which he promises to return.

Joseph Donkle has returned a Gun and Cartouch Box he rec'd some time ago of the Council ; his Rec^t^ was mislaid & not given up.

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 11^th^ Sept^r^ 1777.

*To Peter Harwood:*

You are directed to Receive the Sick person in David Fassetts Care into your House & Keep until further orders.

By order of Council,

THO^s^. CHITTENDEN, *Pres't.*

Permit the bearer Francis Burnes to pass to Pownal, and Return to this place at the end of six days.

p^r^ Order,

THO's CHITTENDEN, *Pres't.*

Nathan Canfield is permitted to go to Arlington to see his wife as she is sick, & Return again in 36 hours.

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STATE OF VERMONT. IN COUNCIL, 12^th^ September 1777.

*To Fregift Cole :*

*Sir*,—You are hereby required to Deliver to Lieu^t^ Isaac Clark five sides of Leather out of the Leather belonging to Marsh & Take his Rec^t^ for the Same.

By Order, JOSEPH FAY, *Sec'y.*

Whereas sundry persons in this State have been so lost to a sense of the duty they owe to the Supreme Arbiter of Rights & their country, friends and Relations as to join the Tyrant of Great Britain, together with his foreign Mercenary Troops & Cruel Savages in Armes, & have been flagrantly Guilty of sheding the Blood of their Innocent Neighbors and friends,—And whereas several Women wives to those Merciless & unprovoked Murderers have aided & assisted in Bringing about Such their designs by harbouring, secreting, feeding & Giving private Intelligence to such Immesaries of Great Britain & by Riding post Carrying Intelligence to the Enemies Camp and Scouts, are found to be dangerous persons to Society and instruments of Great Mischief to this & the United States of America,

Resolved therefore that all such persons as have joined or may hereafter join the British Troops (& left or may hereafter leave) their wives and families within this State, Have their wives and families sent to General John Burgoins Head Quarters, or some other Branch of the Ministerial Army, as soon as may be.

By Order of Council,

JOSEPH FAY, *Sec'y.*

Resolved that Comfort Curtis be permitted to go to his Brothers in White Crick & there to Remain until further orders from this Council, upon giving sufficient Bail.

By order of Council, JOSEPH FAY, *Sec'y.*

STATE OF VERMONT. IN COUNCIL OF SAFETY 12 Sept'r 1777.

Then voluntarily appeared before this Council Henry Bullis, and acknowledgeth himself Guilty of Taking his arms, & joining the Infamous Samuel Adams[s] Company, & going with them to the British Army, praying this Council to Take him under their protection & deal with him according to their judgment & discretion, this Council having Taken the same under their Consideration, do judge that on his dispensing with the loss of what he has already sustained & voluntarily Taking the oath of Fidility to the United States of America he be dismissed.

By order of Council, JOSEPH FAY, *Sec'y.*

Permit Henry Bullis to pass from this to his farm in Manchester there to remain unmolested, he behaving as becometh a friend to his Country, as he has Taken the oath of Alegiance to the States of America.

By order, JOSEPH FAY, *Sec'y.*

*To whom it may concern.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 12th Sept'r 1777.

Then personally appeared John Curtis and acknowledges himself Bound to the Treasurer of this State in a Recognisance of Two hundred pounds that Comfort Curtis[1] shall be ready at his house to answer the Call of this Council at any Time.

By order, THO[s] CHITTENDEN, *Pres't.*

Permit Comfort Curtis to pass from this to his brother John Curtis[s] in White Creek, he behaving as becometh a friend to his Country, there to remain until further orders from this Council.

By order, JOSEPH FAY, *Sec'y.*

*To whom it may concern:*

Nehemiah French having voluntarily appeared before this Council and acknowledged himself Guilty of Taking up arms & joining the Infamous Samuel Adams[s] Company[2] and joining the British Army, pray-

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[1] Comfort Curtis of Clarendon was proscribed by the act of Feb. 26, 1779. Subsequent votes indicate that the property of John Curtis in Vermont was confiscated, and Comfort Curtis was sent out of the State with his family.

[2] Doctor SAMUEL ADAMS settled in Arlington in 1764, coming from Newton, Conn. He held his land by a New Hampshire title, and acted officially under New Hampshire in Nov. 1773. He dissented, however, in 1774 from the policy of the Conventions of the Green Mountain Boys, and, at a time when many of those holding New York grants were inclined to quiet their possessions by covering them with New Hampshire titles, he advised the contrary course, urging the N. H. grantees to purchase New York titles. This was very offensive to the opponents of New York, and they advised him at least to be silent. He resented this, armed himself, and threatened to silence any man who interfered with him. For this he was arrested, tried, convicted as an enemy, and punished by being hoisted up the catamount sign-post, and suspended there for two hours, to his own chagrin and much merriment of the beholders. Ira Allen said "this mild and exemplary disgrace had a salutary effect

ing this Council to Take him under their protection and deal with him according to their Judgment & discretion. This Council having Taken his case under their consideration, do judge and order that the said Nehem[h] French pay as a fine the Sum of Twenty pounds & stand Committed until this judgment is Complied with and the said French voluntarily take the oath of fidelity to the United States of America, then to be discharged.

The above judg't is satisfied in cost.

By order of Council, JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL, 12[th] September 1777.

This Council on Reconsideration vote and order that Nathan Canfield pay 30 pounds L. [lawful] money as a fine for the use of this State and be released from any further Confinement.

p[r] order, JOSEPH FAY, *Sec'y.*

Resolved that Nathan Canfield be permitted the privilege of Letting his Farm & effects in Arlington remain in the hand of Diliverance Squire unmolested, as he has Satisfied this Council for his past Conduct, & Taken the oath [of] Fidelity to the United States of America.

p[r] order,

THO[s.] CHITTENDEN, *Pres't.*

Resolved that Nathan Canfield be permitted to pass and Repass on his Lawful business, his behaving as becometh a friend to the States of America.

By order, THO[s.] CHITTENDEN, *Pres't.*

*To whom it may concern.*

Permit David Irish to pass from this to his farm in Tinmouth, there to remain unmolested until further orders from this Council, he behaving himself as becometh a friend to the Liberties of America.

By order, JOSEPH FAY, *Sec'y.*

*To whom it may concern.*

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STATE OF VERMONT. IN COUNCIL, 13[th] September 1777.

Permit David Irish to pass from this to his Farm in Danby, there to remain unmolested until further orders from this Council, he behaving as becometh a friend to his Country.

By order, JOSEPH FAY, *Sec'y.*

*To whom it may concern.*

Resolved to Adjourn this Council sitting until Tuesday next.

P[r] Order, JOSEPH FAY, *Sec'y.*

Then personally appeared Lemuel Canfield & Jabez Worster, & acknowledge themselves bound to the Treasurer of this State & Recog-

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on the doctor;" nevertheless in 1777 he became a violent tory, and raised a company in Arlington, Manchester, and the neighborhood, to cooperate with Burgoyne. In this he was active, and on one occasion killed a whig townsman, when he fled to Canada. His property was confiscated and his family sent within the enemy's lines in 1778. He was of course proscribed by the act of Feb. 26, 1779.—See *Vt. Hist. Mag.*, vol. I, pp. 123, 126, 129; and I. Allen's *History* in *Vt. Hist. Soc. Collections*, vol I, p. 356.

nized in the Sum of one thousand pounds L. Money that Nathan Canfield shall be ready at the call of this Council at any time, as Witness our hands. Signed, LEMUEL CANFIELD,
JABEZ WORSTER.

Rec$^{d}$ of Nathan Canfield 1 p$^{r}$ Blacksmith's Bellows, one anvil, one vice without a Screw, & one p$^{r}$ Tongs, which was the property of Samuel Buck [of] Arlington, in behalf of the Council Rec$^{d}$.
P$^{r}$ JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 15 September 1777.

Permit Nehemiah French to pass from this to his farm in Manchester, there to remain unmolested, he behaving himself as becometh a friend to the States of America, as he has Taken the oath of Allegiance to the States. P$^{r}$ Order, JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 17$^{th}$ Sept$^{r.}$ 1777.

*Resolved*, That [for] whatsoever of the Goods or Chattles that was his property (viz$^{t.}$ David Castle) has been taken by our Scouts we make him no Compensation but he to bear the loss, on the Council giving him the said Castle a pass to return to his habitation and there to remain under our protection, on his good Behaviour for the future.
P$^{r}$ Order, THOMAS CHITTENDEN, *Pres$^{t.}$*

This Council on Reconsideration vote & order that Bennet Bardsley pay as a fine for the use of this State the sum of fifteen pounds L. money & be discharged from further confinement.
P$^{r}$ Order, THOS. CHITTENDEN, *Pres'$_{t.}$*

September 24 1777.—Then appeared Bennet Bardsley and paid fifteen pounds Lawful money in satisfaction for the above judgment of Council.
£15 0 0. JOSEPH FAY, *Sec'y.*

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BENNINGTON 17$^{th}$ September 1777.

*Dear General*,—We Have Rec$^{d.}$ Certain Intelligence by two of our Neighbours, who left the Enemy last Saturday, that they have Called in all their outposts, at and South of the lake George, to join their main body at Saratoga, Together with their artillery & provisions, so that there is not Even a Guard Left. Also they see the Captain of the Battowmen, who told them he was ordered to Distroy all the Boats that he could not Handily git along down the River, by no means to Leave any behind, & they judge by all the movements of the Enemy that they are determined for Albany at all Events, which agrees with every Intelligence from General Gates Army.

We have certain Intelligence by Gentlemen who left there last Evening, that General Burgoyne is on the move Towards Stilwater, & that they have done Great Mischief in Burning the buildings at White Creek, also have taken some prisoners & Cattle from Cambridge, which alarms the Inhabitants to that Degree that they are removing their Families & Effects into the Country. We are apprehensive of Danger from the Enemy$^{s}$ small Scouts who are daily discovered between this & the Enemy$^{s}$ Lines, as there is no Guards kept between this & General Gates Head Quarters. We hope your Honor will Take this Matter un-

der your Consideration, & Grant Such Relief as your Wisdom shall direct.

We are Dear Sir your most obedient & very Humble Servants,

By order, THOS. CHITTENDEN, *Pres't.*

*Hon[l] Maj. Gen[l] Lincoln.*

Copy. Attest, JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL, 18 September 1777.

Samuel Stewart is permitted four days absence, then to return to this place, as he has Taken the Oath of Alegiance to the United States.[1]

By order of Council, JOSEPH FAY, *Sec'y.*

*To whom it may concern.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 18th Sept[r] 1777.

*To Ebenezer Willoughby:*

*Sir*—I rec[d] yours of yesterday's date, also rec[d] verbal accounts from your Father, am surprised at boath; first the account in your Letter when you say that what you ever believed you now know to be true, viz. that the protection of the States was the best, considering the Conversation I have lately had with you, & your conduct. Secondly that you should think strange that we should Take care of your Interests, when we had Certain Inteligence that you had joined our avowed Enemies and was actually in their Service, & 3[dly] that you should [escape] when you was taken, by our people on your Return, which Circumstance [his return] would have been much in your favour even if they had brought you in. You were much to blame in breaking away from the Guard. However what provocation you had to conduct in that manner is yet unknown to me. Yet notwithstanding as it appears by your Letter and your Fathers request that you have a desire to be Rec[d] into favour of your Country, I am to inform you that if you see cause to come to this Council you may depend on being used as well as you can reasonably expect when all the Circumstances of your case are known. Those persons that Took you must be present when you come. If you think best to come, it must be within two days from this date, & this shall be your Sufficient warrant on the way.

p[r] order, I am, Sir, yours, THOS. CHITTENDEN, *Pres't.*

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BENNINGTON, 18 Sept. 1777.

*Dear General*,—This day rec[d] your Orders to Forward the Militia, in Consequence of which we have given orders for the Militia to be raised immediately; also have forwarded copies to N. Hampshire requesting the Militia to be forwarded with all Expedition: as also your Letter to the County of Berkshire. Nothing in the Power of this Council will be neglected to Prosecute your orders when Called upon.

I am, D[r] General, your Most Obedient

Humble Servant,

By order of Council, JOSEPH FAY, *Sec'y.*

*The Hon. Maj. Genl. Gates,*

*Commanding the Northern Department.*[2]

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[1] Stewart afterwards joined the army.

[2] This was in answer to the following:

CAMP ON BEMUS' HEIGHTS, Sept. 17, 1777.

I have Rec'd Certain Intelligence that Gen[l] Burgoyne has Caused Skeensborough, Fort Ann, Fort George, Fort Edward, and the Post he

BENNINGTON, 18th Septr. 1777.

*Gentlemen*,—I am ordered by this Council to Inclose a Copy of Genl. Gates' Letter to you, by which you will see the necessity of forwarding your Militia with Expedition. You will also forward Copies (to the Eastward) of the General's Letters Requesting them to Come forward.

I am, Gentlemen, your
most Obedient Humbl Servt,
By order, JOSEPH FAY, *Sec'y.*

*Honble Committee of Charlestown, N. Hampshire.* (Copy.)

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BENNINGTON, 18 September, 1777.

*Dr. Sir*,—I am directed by the Council to Inclose you a Copy of a Letter Just recd from General Gates, by [which] you will see the importance of the Exertion of the Militia at this Critical Juncture for the Salvation of this Post, if not the whole Country. Therefore it is Expected that you will Exert yourself & come forward with all the Militia you Can raise out of your Regiment without one moment's loss of Time. General Gates has sent to the State of Massachusetts, & ordered us to send to N. Hampshire, which we have done, & to the upper Regiment in this State.

I am, by order, your most obt Humble Servant,
THOMAS CHITTENDEN, *President.*

N. B.—I heard by Capt. Dewey that your People now with the Army Are Like Sheep without a Shephard, & very unesy at your being Absent, & thretten to come off with General Stark's men.

By order, THOMAS CHITTENDEN.

*Col. William Williams.*

Copy examd, JOSEPH FAY, *Secy.*

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BENNINGTON, 18 Sept. 1777.

*Dr. Sir*,—I am ordered to inclose you a Copy of General Gates' Letter, by which you will immediately March with the Militia under your Command to join him. You will also forward copies to Colo Marshe's regiment.

I am, Sir, your Humble Servant,
By order, JO. FAY, *Sec'y.*

*Colo Peter Olcott.*

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BENNINGTON, 18th Septr. 1777.

*Dear General*,—I am ordered by this Council to enclose a Copy of General Gates' letter to you, which agrees with ours of yesterday's date. We

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Lately occupied to the Southward of Lake George and Skeensborough, to be evacuated, and the artillery Stores and Provision to Be Brought to his Army now at Van Veder's Mills, seven miles north of this Camp, Except some heavy Cannon, which are carried to the five mile Island in Lake George. From this it is Evident the Genl Designs to Resque all upon one Rash Stroke, it is therefore the Indispensible Duty of all concerned to Exert themselves in Reinforcing this Army without one moment's Delay. The Militia from every Part should be ordered here with all Possible Expedition. I am, Sr, your

most obedient hble Sevt,
HORATIO GATES.

*To the Honorable the Chairman of the Committee at Bennington, to be forwarded to the Committees to the Eastward thereof.*

have also, agreeable to the General's orders, sent copies to the Eastward, to forward the Militia of this State with all Expedition. You will please consult General Bayley, & will Doubtless think Proper that he return or send home to forward the Militia with all Expedition.

I am Dr Genl your most
Obedient Humble Servant,
JOSEPH FAY, *Sec'y.*

*Hon. Maj. Genl Lincoln.*

N. B.—We have also sent Copies to New Hampshire that the Militia of that State be forwarded with all Expedition.

By order, JOSEPH FAY, *Sec'y.*

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BENNINGTON, 18th Sept. 1777.

*Dr. General,*—We have this day received a Letter from your Honor, Directed to the Commanding officer of the Troops on their way to join the Northern Department, which we have forwarded by Express. We heartily wish you success, and am your most obedient
Humble Servant,

By order of Council, JOSEPH FAY, *Sec'y.*

*Hon. Brigadier General Stark.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 19th, Septr. 1777.

*To Captain William Fitch:*

*Sir,*—Whereas Mr. Timothy Mead has some days past made application to this Council to Take Thirteen sheep out of the Tory flock in Arlington in lieu of that number which he lost, This Council positively orders that none be dilivered until further Evidence can be had.

I am Sir your Humbl. Servant,
By order of Council, JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 19th Septr. 1777.

Permit Garrit Williamson to Take a Red Rone horse that belongs to himself or his son, Lately Taken by Lieut. Isaac Clark.

Pr Order, THOMAS CHITTENDEN, *Pres't.*

David Castle Jur. is permitted to pass from this to his home unmolested as he has taken the oath of Fidility to the United States.

Pr. Order, THOS. CHITTENDEN, *Pres't.*

David Castle junr. is permitted to remain at his Fathers house unmolested until he is able, then to pass to this place.

pr order, THOS. CHITTENDEN, *Pres't.*

Bennet Bardsley is permitted to pass to Manchester and return within five days Except he should satisfy the Judgment of this Council within that Time and Receive a Certificate from this Council.

Pr. Order, THOS. CHITTENDEN, *Pres't.*

Elijah Benedict is permitted to pass & Repass unmolested as he has taken the oath of Fidelity to the States of America.

By order, THOS. CHITTENDEN, *Pres't.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 19 Septr. 1777.

The bearer Captain Ebenezer Willougby having passed examination before this Council has Leave to return to his home at Arlington, to return the Arms belonging to Mr. Moore, or the Guard he set over him,

and Return to this Council within five days from this date on the parole of honor, having first Notified Mr. Moore to attend on this Council with him, or bring a line from said Moore to signify that all matters in dispute between them is finally settled with Captain Willoughby. Should Mr. Moore refuse, it is accepted [expected] he will attend on this notice.

By order, JOSEPH FAY, *Sec'y.*

*To whom it may concern.*

Francis Barnes is permitted to pass from this to home & Return to this Council in fifteen days.

By order, THOMAS CHITTENDEN, *Pres't.*

The following persons are permitted to pass viz$^{t}$ Daniel Dorchy & Silvenus Perry from this to Sunderland & Return within one month.

By order, THOMAS CHITTENDEN, *Pres't.*

The bearer Samuel Trobridge is permitted to pass to Arlington and Remove his family down the Country as he has Taken the oath of Fidelity. By order of Council, THOS. CHITTENDEN, *Pres$^{t}$.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 20 Sept$^{r}$. 1777.

Thomas Phillips is permitted to pass from this to Poughkeepsie.

By order, JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 20 Sept$^{r}$ 1777.

Andrew Hawley is permitted to pass to his house in Arlington, his returning within seven days to satisfy the judgment of this Council.

By order of Council, JOSEPH FAY, *Sec'y.*

*To whom it may concern.*

Zadock Hard is permitted to pass from this to his home in Arlington, his Returning to this Council within seven days to satisfy the judgement of this Council.

By order of Council, JOSEPH FAY, *Sec'y.*

The Council beg leave to return their sincere thanks to the Hon$^{ble}$ Brigadier General John Starkes for the Infinite Service he has been pleased to do them in defending them and their Constituents from the cruel & bloody rage of their unatural Enemy who sought to distroy them on the 16 day of August last. They also return their grateful acknowledgments for the Honor the General has been pleased to do the Council by presenting them with a Hessian Gun with Bayonet, one Broad Sword, one Brass Berriled Drum, & one Granidiers Cap, Taken on the Memorable 16 of August aforesaid for the use of this State. The General may rely that they will be reserved for the use they were designed.

I am, Dear General, with sentiments of Esteem,

Your most Obedient Hum$^{bl}$ Servant,

*Gen Stark.* THO$^{s}$. CHITTENDEN, *Pres't.*

Copy exam$^{d}$. JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL, 20$^{th}$ September 1777.

Resolved on Reconsideration, that Zadock Hard has a fine of Forty pounds & Ten shillings for the use of the State and to stand Committed until this Judgment is Complied with.

£40 10 0. By order of Council,

THO$^{s}$. CHITTENDEN, *Pres't.*

Rec$^{d}$. The above sum of £40 10 0 at two several payments, in behalf of the Treasurer. JOSEPH FAY, *Sec'y.*

STATE OF VERMONT. IN COUNCIL OF SAFETY, 20th Septr. 1777.

Resolved on Reconsideration that Caleb Daton pay a fine of thirty pound for the use of this State and Stand Committed until this Judgment be Complied with. By order of Council,

£30. THOS. CHITTENDEN, *Pres't.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 20 Septr. 1777.

Resolved on Reconsideration that Andrew Hawley of Arlington pay a fine of Forty Eight pounds for the use of this State, in Complying herewith to be discharged, otherwise to Stand Committed until this Judgment is Complied with. By order,

£48 0 0. THOMAS CHITTENDEN, *Pres't.*

Recd. of Andrew Hawley £15 12 6 Lawful money in part pay of the above Judgment. Pr. JOSEPH FAY, *Sec'y.*

£15 12 6.

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 20th Septr. 1777.

*Dear General,*—Your favour of the 18 Instant was duly recd. for which I am ordered to return you the thanks of this Council. A gentleman was last Evening in Council who left the Enemies Head Quarters, Monday Evening last & has had such Inteligence among them for Considerable Time past as to be able to Collect their strength very nearly. They consist of Six Regiments of British which makes 3,000 & about the same number of Foreign Troops, besides Tories. They have about six weeks Provisions which they keep Constantly on board their Water Craft Except what is daily dealt to the Troops. They seem engaged to risque all on one Desperate Battle. The Front of the Army expect to Winter in Albany if General How penetrate up North River, if not at Ticonderoga & their rear in Canada. Any Service in the Power of the Council is always ready at your Command. I have the Honor to be, Dr. General, by order of the Council,

Your most Obedient humble Servant,

JONAS FAY, *V. P.*

Since Closing this Letter a person has arived from Fort George who brings Inteligence that only 30 men are at that place, & no Water Craft except 2 Gun Boats, Moored off at a distance from Shore. Since the above Colo. Johnson of General Stark's Brigade mentions that on hearing a brisk Cannonade yesterday afternoon, sent two of his men back on horses, who have returned & Report that General Arnold with his Detachment made Prisoners of 250 of the Enemy & being reinforced Possessed himself of three of the Enemies Field Pieces & made himself intire master of the Ground. This is the best Inteligence and the most Exact I can Obtain. Wishing your Honor Success,

I am Dr. Genl. your most

Obedient Humble Servant, JONAS FAY.

*Brigadier General Stark.*

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STATE OF VERMONT, IN COUNCIL OF SAFETY, }
Bennington, 20th Septr. 1777. }

A gentleman an acquaintance of mine was last evening in Council from the Enemies Head Quarters, Monday Evening last, who has had Such an acquaintance among them for some time past as to put it in his Power to Learn their Strength and Situation very nearly. They consist of Six British Regimts. which ammt. to nearly 3,000, & about the same

number of Foreign Troops Exclusive of Tories. They Have Six weeks Provisions which they keep constantly on board their Water Craft. The gentleman learns further that they seem disposed to Risque all on one desperate action. The Front of their Army expect to Winter in Albany if General How penetrates up North River, if not at Ticonderoga & there rear in Canada. Any thing in the Power of this Council is always Ready at your Command.

I have honor to be Dr. Genl. by order,
Your most Obedient Humble Servant,

JONAS FAY, *V. P.*

N. B. By a person this Instant arrived from Fort George, only 30 men are at that place, & 2 gun boats Lye anchored at a distance from Land, & that the Enemy have not more than 3 Weeks Provisions.

*Honble Majr. General Gates.*

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BENNINGTON, 21 September 1777.

CIRCULAR LETTER.

*To all Gentlemen Concerned:*

The Council enclose a Copy of the Honble Gen. Gates Particular & Positive orders of this days date to you, which he requests may be forwarded to you with the Greatest Speed. It Seemes assistance can never be more Wanted than at this Critical Moment. The Armies are now in such position as renders it Impossible for the Enemy to avoid an Action. It is a thing almost Impossible for them to retreat, therefore if you will now Instantly give your assistants, you never can have it in your power to do yourselves & your Country a Greater Service. So favourable a prospect of success in the Northern Department never before appeared. Pray exert yourselves this once & the Matter cannot Ditain you Long.

I am Dr. Gentlemen with Great anxiety
(by order of the Council)
Your Most Obt. Humble Servt.

THOS. CHITTENDEN, *P.*

JOSEPH FAY, *Sec'y.*

Copy examd.

JOS. FAY, *Sec'y.*

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BENNINGTON, 6 o clock 21t Septr. 1777.
STATE OF VERMONT. IN COUNCIL OF SAFETY, date above.

*Dear General,*—Your particular Orders by Major Cochran has been duly Recd. & Copies thereof have been inclosed and forwarded to every necessary part. with orders to have them forwarded without one Moments Loss of Time.

The Council are very anxiously concerned for your honors Welfare, and the General may absolutely rest assured that no one thing shall be Wanting that is in their Power to Grant every assistants.

I am Dr. General by order of Council
Your most Obedient Humble Servant,

THOS. CHITTENDEN, *P.*

*Honble Majr. Genl. Gates.*

Copy Examd. JOSEPH FAY, *Sec'y.*

BENNINGTON, 22d September 1777.

*Dear General,*—I am directed by the Council to inform you, that the Rangers of this State under the Command of Colo. Samuel Herrick in Conjunction with Colo. John Brown of Pittsfield, have the Command of Lake George & the Enemies Water Craft, as also *Mount Defiance*, *Hope*, & the French Lines By Ticonderoga, Skeensboro &c. Have Taken 2 Captains, 9 Subalterns, 143 Rank & non commissioned officers, 119 Canadians, 20 artificers—293 Total—And one hundred of our prisoners Released, a quantity of Provisions & a number of Armes, out of which the one hundred Prisoners Just Mentioned who were Taken in the action at Hughbarton [Hubbardton] were furnished & now act in Conjunction with Colonels Herrick & Brown. The enemies Water Craft Consist of 200 Battous & one Armed Sloop. Last friday an action Ensued between Generals Gates & Burgoyne. General Arnold with his Division attacked a Division of Burgoyne, in which General Arnold gained the Ground, when the Enemy were reinforced by the main body, when General Arnold was oblidged to Retreat, but being Reinforced, Recovered his own so that the Ground remained 8 o'clock yesterday divided between them, none Gained on Either Side, & the dead unburied; this acct. came by express from General Gatess Head Quarters yesterday afternoon, by Majr. Cochran, who returns this Morning with the Honble Major General Lincoln. The Major adds that the Loss in this Action is Computed by the best accounts at between 2 & 300 killed & Wounded, & the Enemies Loss at 1000 killed wounded & Taken prisoners. Among the Wounded is Gen. Burgoyne, thot in the Bowels. Their loss is of the British Troops. The Cannon was again heard yesterday, but no particular acct. of the Execution has yet Transpired. The Enemy Seem determined to risque all at once, as it is reported they have the whole of their Stores & other necessaries with them, & cut away the Bridges behind them as they advanced. They keep their Provisions constantly on Board their Boats in the North River.

I have the Honor to be with the
Council's best Compliments by order
your honors most Obedient Humble Servant,

JOSEPH FAY, *Sec'y.*

*Honble General Wolcott.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 22 Septr. 1777.

This may certify that Libeus Armstrong has Dilivered one Load of Boards which he Brought from Phisters Mills.[1] Also that he Carried one Load of Provisions from this up to the lines at Cochran's House in this place on the 16th of August Last for the use of the Army.

By order, JOSEPH FAY, *Sec'y.*

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[1] Francis Pfister, who had been an officer in the Royal American Regiment in 1760, retired from the army and settled near Hoosick four corners. He commanded the Tories, as Colonel, in the battle of Bennington, and was mortally wounded. Hon. L. B. Armstrong of Dorset has Col. Pfister's first commission, dated Sept. 18, 1760, his draughting instruments, and a beautifully drawn map of the route from St. Johns via Lake George and the Hudson to New York city.—*Vt. Hist. Mag.*, vol. I, pp. 154–158, 186.

STATE OF VERMONT. IN COUNCIL OF SAFETY, 22 Sept$^{r}$. 1777.

Samuel Williams is permitted to pass and repass unmolested as he has been examined before this Council.[1]

By order, THOMAS CHITTENDEN, *Pres$^{t}$.*

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[1] Rev. SAMUEL WILLIAMS, LL. D., was born in Waltham, Mass., about 1740; graduated at Harvard in 1761; was ordained minister of Bradford, Mass., Nov. 20, 1765, where he remained until he became professor of mathematics and natural philosophy in Harvard, which office he held until 1788, when he resigned and removed to Rutland, Vermont. The last date is given from Blake's *Biographical Dictionary*, not without a strong suspicion that it should be an earlier date. Dr. Williams was elected to the General Assembly for Rutland in 1783–'5, 1787–'95, and 1798–9—in all fourteen years. He was a member of the Governor's Council in 1795–'98—four years, in two of which he had been elected to the House also. He was judge of Rutland county court 1790 to 1797, eight years; and in 1794 he preached the election sermon. For a time he served as editor of the *Rutland Herald*, established in 1792; in 1794 he published the *Natural and Civil History of Vermont* in one volume octavo of 416 pages, which was extended in 1808 to two volumes of 1003 pages; and in 1795–'6 he published the *Rural Magazine*, comprising two octavo volumes. He is entitled to honor as one of the founders of the University of Vermont, for, said President JOHN WHEELER in his historical discourse, Aug. 1, 1854, "the creative mind of Dr. Samuel Williams, and the reflective and profound mind of Judge [Samuel] Hitchcock, [two graduates of Harvard,] had worked for the University of Vermont, and in it." He was unquestionably the most learned man of Vermont in his day, and for his labors and influence in behalf of education and piety, he was also one of the most useful. "Dr. Williams's History of Vermont," said ZADOCK THOMPSON, "though diffuse in style and embracing much foreign matter, will long continue our standard work." Dr. Williams's greatest fault as historian was, that he did not duly appreciate the high privilege of writing for posterity; hence he omitted many interesting facts known generally in his day, which are now unknown. He could have given us the details of the Conventions of 1777 at Windsor, a full history of the Constitution, a clearer explanation of the Haldimand correspondence, and pen-portraits at least of every actor in the Council of Safety, and of our first Governor, whose features now would be stamped upon the memory of every Vermonter, if he could but know them, as indelibly as are those of George Washington, who was Chittenden's friend and correspondent in the period of his severest trials. Of the History, Rev. Dr. BLAKE said: "It was esteemed the best historical work which had appeared in the country at the time of its publication, and received high encomiums from some of the philosophers of Europe." Dr. JOHN A. GRAHAM was a resident of Rutland for awhile preceding 1797, and was personally acquainted with

In Council of Safety, Sept. 22, 1777.

*To Captain Jonas Galusha, Sir.*—You are hereby directed to repair, with fifty men of the Militia of Col. Moses Robinson's Regiment, now under your Command, to the Hon^ble^ Major General Gates' Head Quarters, who is Commander in Chief of the Northern Department. You will on your arrival put yourself under his immediate Command, where you will receive orders, during the Time you are Engaged for, unless sooner discharged by him, or some other Continental officer Commanding the Northern Department, during which time, you will strictly adhere to & follow such orders and directions as you shall from time to time receive from your superior officers.

*Sir*,—You being the next officer in Command, and Captain Galusha being unable to Attend the Service, will Take the above command, and see the orders duly executed.

By order of Council, Joseph Fay, *Sec'y.*

*To Lieut. William Hutchins.*

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In Council, Bennington, 23^d^ Sept. 1777.

*Dear Sir*, - This moment rec^d.^ your favour of this days date requesting horses & Emty Baggs to be forwarded with Expedition, in consequence of which we have Granted press Warrants to procure them Without Loss of Time, & will be on Tomorrow. I am, sir, with Esteem, by order of Council, Your most Obedient Hum^ble^ Servant,

Joseph Fay, *Sec'y.*

*Col. B. Simonds.*

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State of Vermont. In Council of Safety, 24^th^ Sept^r^ 1777.

*To Mr. Conner*,—You are hereby ordered to Diliver to Mr. William

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Dr. Williams, of whom he said in his *Descriptive Sketch of the Present State of Vermont*, London, 1797, p. 66:

Of Samuel Williams, LL. D., member of the Meteorological Society in Germany, of the Philosophical Society in Philadelphia, and of the Academy of Arts and Sciences in Massachusetts, it may with propriety be said, that he is the most enlightened man in the State in every branch of Philosophy and Polite Learning; and it is doing him no more than justice to say, there are very few in the United States possessed of greater abilities, or more extensive information: added to which, he is a most excellent orator, and always speaks in a manner best adapted to the understanding and capacity of those whom he addresses. In the year 1794 the Doctor wrote and published the Natural History of Vermont, executed much to his honor, and to the great satisfaction of all Naturalists. In politeness, ease, and elegance of manners, Dr. Williams is not inferior to the most polished English Gentleman.

Graham's volume is chiefly interesting for its personal gossip and sketches, of which the above is one of the best. It is to be regretted that he did not live in Vermont years earlier and give more details of the personal history and characteristics of the actors in the tragic and comic scenes which abounded in Vermont's earliest days. Dr. Williams died in January 1817. The writer is not sure that the vote of the Council refers to the Doctor, though it is very probable that he visted Vermont at that time, perhaps to examine the field of his intended labors.

Broomly his cow that you have in your Keeping, as I am informed your cow is in Shaftsbury and can drive her home.

By order of Council, JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 24 September, 1777.

Whereas Complaint has been made to this Council by Doct. Nathaniel Dickinson,[1] that he is not provided with necessaries, such as Medison, Spirits, &c. for the use of the Wounded under his direction and care, tho application has been sundry times made, we therefore think proper, & do hereby appoint Mr. Nathan Clark to wait on you to Enquire into the afair.

By order of Council, JOSEPH FAY, *Sec'y.*

*Doctr Hogan.*[2]

William Haviland is permitted to pass to see his Brother a prisoner in the State of N. York.

By order, JOSEPH FAY, *Sec'y.*

*To whom it may Concern.*

Nathaniel Mallery is permitted to join Capt. Smiths company as he has engaged to Take Arms in the defence of the Liberties of America.

By order of Council, JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL, 24 Septr 1777.

James Lee is permitted to pass from this to his home in the district of Ira in the State of Vermont.

By order of Council, JOSEPH FAY, *Sec'y.*

Benjamin Lee is Permitted to pass from this to his home in the District of Ira in the State of Vermont.

By order of Council, JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 24th Sept. 1777.

Bennett Bardsley Sentenced to pay a fine of fifteen pounds to satisfy the judgment of this Council against him for Enimical Conduct towards the United States.

By order of Council, JOSEPH FAY, *Sec'y.*

Date above recd the sum of £15 in full of the above judgment as pr Certificate given to him.

pr. JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 24 September, 1777.

In consequence of a Letter Recd from Colonel Benjamin Simonds [Simmons] for horses to forward flour to the relief of Genl Warner at Tyconderoga we have granted Warrants to procure them with all Expedition.[3]

By order of Council, JOSEPH FAY, *Sec'y.*

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[1] A resident of Bennington from 1766 to 1790.

[2] Supposed to be the officer at the head of the medical branch in the Northern Department.

[3] Col. Simmons is supposed to have been in command of militia from Berkshire County, Mass., mentioned by Gen. Stark, Warner, &c., in connection with Bennington battle. In 1780 the town of Lincoln was granted to Col. Benjamin Simmons and company.—See *Vt. Hist. Soc. Collections*, vol. I.

*To Captain Nathan Smith:*

*Sir*,—You are hereby required to March with the men under your Command to Pawlet on horseback, where you will apply to Colonel Simonds [Simmons] for a horse Load of Flour to Each man & horse. You furnish bags sufficient for such purpose.

By order of Council, THOS. CHITTENDEN, *Pres't.*

*To Capt. Ebenezer Wood:*

*Sir*,—You are hereby required to take the charge of the men, horses, and Bags, ordered from this Town & proceed without one minutes loss of time to Pawlet where you will apply to Colonel Benjamin Simonds for a Load of flour for each horse, and proceed to General Warner with the same if Col°. Simonds shall judge proper. When you return, you are to take especial Care that the Horses & Baggs be returned to their proper owners.

JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 24 Sept^r 1777.

Pursuant to a Complaint made to this Council by Henry Snyder for two horses stole as will appear by the Complaint on file,

Serg^t John Bean and Alexander Gordon being apprehended & brought before this Council, acknowledge themselves Guilty of stealing s^d Horses.

Therefore this Council having Taken into consideration their cases, do judge by the evidence and their own Confession that the act was theft, an attrocious Crime that demands (by the law of God & man) that the prisoner or the persons found Guilty should be made a public Example of to Deter people from such vicious practices. The Council unwilling to see any person suffer, are nevertheless constrained in duty to themselves and constituents to order that the said John Bean & Alexander Gordon Receive each 39 Lashes on the naked back at the Liberty pole in this place to satisfy the Complaint, & be discharged. Mr. Josiah Brush the Officer appointed to Execute this Warrant is appointed to see this judgment put in Immediate Execution.

By order of Council, THOS. CHITTENDEN, *Pres't.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 24 Sept^r 1777.

Henry Snyder appeared before this Council, & acknowledged to have rec^d Eighteen pounds Eighteen shillings for the damage & Cost of Recovering his Horses.

Therefore the Council on Reconsideration of the case of John Bean and Alexander Gordon have thought fit to Take off the corporal punishment, & discharge them on their paying to the Council as an acknowledgment to the public a fine of Five pounds & nine shillings Cost, & receive a Reprimand from the Hon^bl the president of this Council.

By order, THOS. CHITTENDEN, *Pres't.*

Rec^d in full satisfaction of the above judgment.

JOSEPH FAY, *Sec'y.*

Ebenezerr Willoughby is permitted Leave of Absence for one week then to return & Diliver himself to this Council.

By order, JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY,
Bennington, 24 Sept. 1777.

*Dear General*,—The Council have rec^d certain intelligence this morning that a very considerable Number of the Militia from the Eastern

States are now on their March to your assistance. Several companies have passed this place this Morning for the above purpose. The bearer Captain Angel will be able to Give your honor further intelligence in the Matter. The Council are every moment Anxious to know your honor's present Situation, your wants (if any) and wheather they be Such as in their power to relieve.

I have the honor to be, Dr General,
Your most Obedient Humble Servant,
By order of Council,
THOS. CHITTENDEN, *P.*

*The Honble Major Genl Gates.*

BENNINGTON, 24 Sept. 1777.

*Dear Sir*,—Agreeable to yor request Recd Last Evening, the Council sends you such assistants as you desired. They will remain with you a reasonable Time to effect the business for which they were sent. You will please to Give them such Instructions from time to Time as you may Judge most advantageous to the public Good. The Council rejoyce at the Success of the Northern Troops. Wish your further success.

I have the honor to be, Dr Sir,
by order of Council, Your most
Obedient Humble Servant,
THOS. CHITTENDEN, *Pres't.*

*Colo Simonds.* [Simmons.]

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 25 September, 1777.

In consequence of a Letter this day Recd. from Colonels [John] Brown[1] & [Samuel] Herrick requesting Teams to be sent to bring on

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[1] Feb. 15, 1775, the provincial congress of Massachusetts directed the Boston committee to open a correspondence with the province of Quebec, to counteract unfriendly influences there. This committee sent JOHN BROWN, a young lawyer of Pittsfield, Mass., for this purpose. He stopped at Bennington on his way and had an interview with "the grand committee" of the New Hampshire Grants, and the old Vermont hunter Peleg Sunderland was sent with him as a guide. On reaching Montreal, Brown wrote to Samuel Adams and Joseph Warren, of the Boston Committee, stating the importance of promptly seizing the post at Ticonderoga; and of this suggestion the brilliant exploits of Ethan Allen and Seth Warner were the outcome. Brown himself carried this news to Albany, then to New York, and then to the Continental Congress at Philadelphia. Sept. 24th, 1775, Brown, then Major, suggested to Ethan Allen the capture of Montreal, which was attempted and failed, through Brown's failure (for some reason never satisfactorily explained) to do his part. In Sept. 1777 Brown, then Colonel, attacked and carried the British post at the north end of Lake George, recovered over one hundred of the Americans who had been taken at Hubbardton, captured two hundred and ninety-three of the enemy, and destroyed two hundred of their boats. Jointly with this splendid success, Capt. Ebenezer Allen of the Vermont Rangers was in like manner successful at Mount Defiance. As further results, Ticonderoga was evacuated by

plunder to this place, we have therefore given orders to procure five Teams. By order of Council,

THOMAS CHITTENDEN, *Prs't.*

Zadock Hard is Permitted to pass & Repass. Also to Take his effects in whose hand soever he may find them, proving his property.

By order of Council, JOSEPH FAY, *Sec'y.*

*To whom it may Concern.*

Daniel Clark is permitted to pass & repass his behaving as becometh. By order of Council, JOSEPH FAY, *Sec'y.*

*To whom it may Concern.*

Charles Carr is permitted to pass from this to Jerico unmolested he behaving as becometh.

By order of Council, JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 26 Sept^r. 1777.

Oliver Colvin is permitted to pass to his fathers house in Town, there to remain until further orders from this Council.

By order of Council, JOSEPH FAY, *Sec'y.*

His Father is Security for his appearance. £1000 forfeiture.

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 26 Sept^r. 1777.

*To Mr. Wright & the other Teames in company:*

You are to Repair from this to Pawlet with your Teames, there to apply to the Commanding officer or Lieut. Hide to be Loaded with plunder belonging to Col^o. Brown, & Return with the Same & Deliver it Safe to this Council.

By order of Council, JOSEPH FAY, *Sec'y.*

Henry Francisco is Permitted the Liberty of this Town during the pleasure of this Council.

By order, THO^s. CHITTENDEN, *Pres't.*

*To whom it may Concern.*

George Sherman is Permitted to pass unmolested as he has Taken the Oath of Fidility.

By order of Council, JOSEPH FAY, *Sec'y.*

Gideon Squire is Permitted the Liberty of this Town during the pleasure of this Council.

By order of Council, JOSEPH FAY, *Sec'y.*

*To whom it may Concern.*

John Offered is Permitted to pass from this to Litchfield south farms in Connecticut there to remain and not be found without the bounds of that place without a pass from the Committee of Safety.

By order of Council, JOSEPH FAY, *Sec'y.*

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the British, with the loss of forty-nine prisoners, upwards of one hundred horses, twelve yoke of oxen, &c., and Major Wait of Vermont took possession of Mount Independence. Col. Brown was killed in a battle with tories and Indians on the Mohawk river, Oct. 19, 1780, after having proved himself to be "a soldier of great courage and high moral worth." See H. Hall's *Early History*, pp. 198, 199, 204, 265, 469, and 216.

*To Mr. David Sessions:*

*Sir*,—You are to Repair from this to Pawlet, there to apply to the Commanding officer or Lieu$^{t}$ Ebenezer Hide who will Load you with Plunder belonging to Col$^{o}$ Brown, which Load you are to Diliver Safe to this Council.

p$^{r}$ Order of Council, JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 27 September, 1777.

Ebenezer Tolman & Consider Turner, soldiers in Colonel Marshal's Regiment in Capt. Nathaniel Winslow's Company, are permitted to pass the Guards from this to Still Water and join their Respective Corps.

By order of Council, JOSEPH FAY, *Sec'y.*

Samuel Stewart is permitted to pass & Repass from this [to] Colrain and join the Army as soon as he is able to return.

By order, JOSEPH FAY, *Sec'y.*

Isaac Goodsel is permitted to pass to Sunderland to Take care of his children & to return within six days.

THOM. CHITTENDEN, *Pres't.*

Henry Batterman, a German Soldier, is this day permitted to pass to Colonel Simonds [Simmons] at Williamstown, to remain until further orders from this Council.

By order, JOSEPH FAY, *Sec'y.*

*To whom it may Concern.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 29$^{th}$ Sept$^{r}$. 1777.

Abel Wright is Permitted fifteen days absence then to Return and join his Regiment. He is also permitted to pass from this to Woodstock in the State of Connecticut.

By order of Council, JOSEPH FAY, *Sec'y.*

*To whom it may Concern.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 30$^{th}$ Sept$^{r}$. 1777.

Jonathan Smith is permitted to pass from this to Reupert and return with his family to this place.

By order of Council, JOSEPH FAY, *Sec'y.*

Benjamin Everis[1] & Benjamin Kellogg[2] are permitted to pass the Guards to Addison unmolested on Lawful Business.

By order of Council, JOSEPH FAY, *Sec'y.*

Abel Buck of Arlington is permitted to pass to his home at that place unmolested.

By order of Council, JOSEPH FAY, *Sec'y.*

*To whom it may Concern.*

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[1] Lieut. BENJAMIN EVEREST of Addison, who was at the capture of Ticonderoga and Crown Point, and with Warner in the battles of Hubbardton and Bennington. For an extended biographical summary see *Vt. Historical Magazine*, vol. I, p. 10.

[2] One of Amherst's soldiers from Connecticut; captured by Carleton at Addison in 1778, and died in prison at Quebec in 1779.—*Vt. Historical Magazine*, vol. I, p. 4–6.

STATE OF VERMONT. IN COUNCIL OF SAFETY, 30th Sept. 1777.

Martin Rosinback is permitted to pass to his home in Little Hoosaach, & return in 30 days.

I promise on the forfeiture of one thousand pounds to see the above named Martin before the Council at the Expiration of 30 days.

AARON BACHUS.

Samuel Cook is permitted to Take his Cattle from this to his home in Saratoga Pattent there to remain so long as he can be safe from the Enemy. By order of Council, JOSEPH FAY, *Sec'y.*

*To whom it may Concern.*

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BENNINGTON, 30th September, 1777.

*Dear General,*—Your favour of the 28th is this moment come to hand. Your honors particular Care for this part of the Country I am ordered by the Council to acknowledge. They are of opinion that the post you have been pleased to order occupied in this Department, will Sufficiently secure the Inhabitants for the present.

I have the Honor to be, Dr. General,
your most Obedient Humble Servant,
By order, JOSEPH FAY, *Sec'y.*

*The Honble Majr. Genl. Lincoln.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 1t October 1777.

Samuel Place is permitted to pass from this to his home in Dummer to remain there unmolested as he has Taken the oath of fidility to the United States of America.

By order of Council, JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 1t Oct., 1777.

Request being made to this Council by Captain Winchester for Teames to forward provisions for the Speedy Relief of the Army in consequence of which the Council have granted Warrants to procure Carriages Sufficient to forward one hundred barrils of flour.

By order, JOSEPH FAY, *Sec'y.*

October 2d.—Ebenezer Willoughby is Permitted six days absence then to Return to this Council.

By order, JOSEPH FAY, *Sec'y.*

October 3d.—This day an application being made to this Council by the Chief Surgeon of the Hospital in this Town for Kittles, we have therefore Given an order to procure the Same.

By order of Council, JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 3d Oct. 1777.

Isaac Goodsel is Permitted to pass & repass any where to the South of the North line of Manchester, and also Take any of his effects which have been Seized by authority, his proving his property, as he has Taken the Oath of Fidility to the United States.

By order, THOMAS CHITTENDEN, *Pres't.*

*To whom it may Concern.*

STATE OF VERMONT. IN COUNCIL OF SAFETY, 3d Oct. 1777.

*To Captain John Simonds:*

*Sir*,—You are hereby authorized and impowered to Let or Lese all the Estate of Colonel James Rogers late of Kent, (now with the King's Troops,) both real & personal, and all Real Estate (except so much as humanity requires for the Comfortable Support of the family left Behind) you will Sell at public Vendue and Return the Money Raised on such Sail (after the Cost is paid) to the Treasurer of this State. The improved Land you will Let or Lese to some proper person or persons as you shall judge will serve best the purpose of supporting the family & the Benefit of this State, not exceeding the Term of Two years.

You will return to this Council an account of all the Estate boath real & personal that you shall seize. You will Take the Advice of the Committee of the town of Kent with regard to what part will be sufficient to support the Family. You are to obey the orders of this Council from time to time, relative to said Estate, and settle your accts. with them or their Successors, or some person or persons appointed for that purpose, & you are to do it on oath.

By order of Council,

THOMAS CHITTENDEN, *Pres't.*

Attest, JOSEPH FAY, *Sec'y.*

This may certify that we pursuant to Gen[l] Gates orders employed Mr. Moses Cleaveland to ride post from this to Shiffield & to Impress fresh horses when he should find it Necessary.

By order of Council, JOS. FAY, *Sec'y.*

*To whom it may Concern.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 3d Oct[r] 1777.

The bearer Abigail Fairfield is permitted to Take the two yearling Colts the former property of her Husband & Consort, the same to her own use unless it shall hereafter appear that they have been disposed of by order of this Council.

By order of Council, JOSEPH FAY, *Sec'y.*

BENNINGTON, 3d October 1777.

*Dear Col[o]:*—I have this day Rec[d] your favour dated Paulet, 1[t] October Inst., & am ordered by this Council to return you their Sincear thanks for your Spirited Behaviour since your Appointment, & in particular your Late Noble Enterprise at Lake George Landing, Ticonderoga and for distroying the Enemies Water Craft in General to the Great Disadvantage of the Enemy. With respect to the appointment of Serg[t] Smally to a Lieutenant in Capt. Woods Company, it will be Left with you if a proper Recommendation can be obtained & he raises his quoto of men.

Shoes can be had at Shaftsbury as we are informed there is some made their. Upwards of 30 p[r] are ready, which you can send for at any Time. I heartily wish you Success, and make no Doubt you will Conduct yourself agreeable to the Trust reposed in you, & am, D[r] Sir, By order of Council, your most Obedient

Humble Servant, THO[s]. CHITTENDEN, *Pres't.*

*Col[o]. Samuel Herrick.*

Copy exam[d]. JOSEPH FAY, *Sec'y.*

Luther Colvin is permitted to drive of [off] his and the Widow Mary Potters Stock, he proving their property and paying charges.

By order of Council, JOS. FAY, *Sec'y.*

Moses Holibud is Permitted to pass from this to Williamstown with his family and to Return to this Council within one Week.

By order of Council, JOS. FAY, *Sec'y.*

IN COUNCIL, Oct. 4th 1777.

Jonathan Holabud is Permitted to pass to Woodbury in Connecticut.

By order, JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 4 Oct. 1777.

Alexander McDoughel is permitted to pass from this to his home at the Scotch Patent, as he has Taken the oath of Fidility to the United States. By order of Council, JOSEPH FAY, *Sec'y.*

*To whom it may Concern.*

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BENNINGTON, 4th October 1777.

*Dear Sir*,—The Council (at the request of Dr. Hovey,) have Provided a Number of Hospitals for the Sick Militia. Nothing seems Wanting to make them as Comfortable as their Condition will admit of, excepting the want of a Commissary furnished with money to procure provisions and other necessaries for said Hospital, the former commissary being called upon by Doct^r. Hogan, to make a final Settlement & give back the Cash that Remains on hand. The same Gentleman (Capt. Fassett) is willing to still Continue Commissary to the Hospital on being properly supplied with Cash. I am Sir by order of Council, your very Humble Servant, JOSEPH FAY, *Sec'y.*

*Doct. Jona. Potts, D. G. N. D.*

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IN COUNCIL, Bennington, 6th October 1777.

*Dear General*,—The Council are this moment informed by Doct^r. Hovey who has at present the Charge of upwards of one hundred sick belonging to the Army and deposited in this place, that [he] is Called upon by Letter from the Surgeon and Physicians at N. City to Attend the sick at that place. The Circumstances is truly critical. This Town has suffered almost every Inconvenience with Cheerfulness and always Stand Ready to Contribute any thing in their Power for the common cause. But as we find we are incumbered with many things & have neither Surgeons, Physicians or Medicines to attend those already on hand, beg your honor to place some Continental Surgeon or Physician in lieu of Doct. Hovey, in Case he must be removed. The Surgeon who has the Command at N. City will be Served with this request at the Same Time. I am D^r General by order of

Council your most obedient

Hum^ble Servant,

JOSEPH FAY, *Sec'y.*

*The Hon^ble Major Gen^l. Gates Commanding N. D.*

N. B. Doct. Hovey gives universal Satisfaction, therefore pray he may continue if Consistant. JOS. FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL, 6 October 1777.

*Sir*,—We are informed that M^r. S. Payne of Sunderland has in his Custody one yoke of oxen the Property of this State which we desire you^d Take into Custody immediately.

I am Sir by order of Council

Your Hum^ble Servant, JOSEPH FAY, *Sec'y.*

*L^t. Martin Powel or*
*L^t. Peter Roberts,* } *Commissioners [of Sequestration.]*

October 6th 1777.

Gideon Squire is permitted to pass from this [to] Granvil and Remove his Family.

By order of Council, JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 7th Oct. 1777.

This Council orders that you diliver James Haskins the Gun which you took from him.

By order of Council, JOSEPH FAY, *Sec'y.*

*To Abner Blanchard.*

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Oct. 8 1777.

*Gentlemen,*—This Council Earnestly Recommend to the Town of Bennington to Warn a Town meeting to fill up the Committee of Safety for said Town. By order of Council, JOSEPH FAY, *Sec'y.*

*To the Selectmen of Bennington.*

Sold Simeon Sears & Mr. Risdon the one half of the Cart Belonging to this State for 23 dollars.

By order, JOSEPH FAY, *Sec'y.*

Daniel Eady is permitted to pass from this to Durham there to Remain until further orders, as he has voluntarily Taken the Oath of Fidility to the United States.

By order of Council, JOSEPH FAY, *Sec'y.*

*To whom it may Concern.*

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BENNINGTON, 8th October 1777.

*Sir,*—This Council are informed that you are found (since you passed Examination before us) with Armes & ammunition *secretted* which Gives the Inhabitants Great uneasiness, and nothing short of your making immedeate Satisfaction to this Council will prevent your being ordered immediately to remove, which must be done forthwith.

By order of Council, JOSEPH FAY, *Sec'y.*

P. S. If you can Satisfy the Inhabitants and obtain their Liberty you may remain until further orders.

JOS. FAY.

*David Castle, Paulet.*

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STATE OF VERMONT. IN COUNCIL, Bennington, 8th Oct. 1777.

*Dr. General,*—The Council this moment had under Examination a Seargent Major of the Foreign Troops Taken near Mount Independence by a scout of Colo. Herrick's Rangers, who informs that the Garisons of Tyconderoga & Independence have been Reinforced by about 600 Troops (principally British) from Fort *Stanwix.* That it is Reported at that place, that Detachment is to make a forced march West of Lake George with 10 days Provisions to reinforce General Burgoyne, that no movements of any Boats across the Lake is mentioned among them. The whole Number of Troops at thair Garisons is about 2000. The Council hold themselves Bound in duty to Give the Earliest Intelligence of any Movements of the Enemy that may come first to their knowledge.

I have the honor to be Dear General

(by order of Council) your most Obt. Humble Servant,

JOSEPH FAY, *Sec'y.*

*Honble Major Genl Gates.*

BENNINGTON, 10th Oct. 1777.

Transmitted the Intelligence [foregoing] of a reinforcement to Genl. Fellows by Letter of this Date.

JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 9th Oct. 1777.

William Hurlbut is permitted to pass from this to Skeensborough and secure his family, as he has Voluntarily taken the oath of fidelity to the United States of America.

By order of Council, JOSEPH FAY, *Sec'y.*

Oct. 9th 1777.

You will please to Diliver Mr. Timothy Prichet the Cart & oxen Belonging to John Whitlock to go to Castleton and bring off said Whitlocks Family to this place.

By order of Council, JOSEPH FAY, *Sec'y.*

Jeptha Bartholomew is permitted to pass from this to join Capt. Parmaly Allen's Company in the Ranging service, as he has passed Examination before this Council & Taken the Oath of Fidility to the States of America.

By order, JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 10th Octr. 1777.

This may Certify whom it may Concern that Doct. Jacob Rhuback being a friend to his Country has full power from this Council to Take his Estate where it may be found, proving his property.

By order of Council, JOSEPH FAY, *Sec'y.*

*To whom it may Concern.*

Ephraim Knapp is permitted to go to Arlington and Remove his family down the Country.

By order of Council, JOSEPH FAY, *Sec'y.*

*To whom it may Concern.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 10 Oct. 1777.

Comfort Curtis and his Brother John Curtis are permitted to pass to Clarindon or Elsewhere and collect his family & Effects and return to this Council with all possible Expedition.

By order of Council, THOMAS CHITTENDEN, *Pres't.*

Copy examd.

Pr JOS. FAY, *Sec'y.*

Resolved that no more Rangers be enlisted into Colo. Samuel Herricks Regimt. to serve in the present Campaign.

By order of Council, THOMAS CHITTENDEN, *Pres't.*

Attest, JOSEPH FAY, *Sec'y.*

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Oct. 18 1777.

This day Agreeable to the manifests sent to Nathaniel Fisk from this Council of the 8th of September last, he has personally appeared & Voluntarily Taken the oath of Fidility to the United States of America.

By order of Council, Jos. FAY, *Sec'y.*

Liberty is hereby given to the bearer Nathaniel Fisk to Take such Live Stock or other effects belonging to him, (not disposed of according

to the directions of this Council,) wherever it may be found, he proving his property and paying Reasonable Charges.

By order of Council, JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 20 October 1777.

*To the Committee of Safety, Bennington:*

*Gentlemen,*—On the request of Captain John Fassett Jur. one of your sd Committee, The Council are of opinion that any person from this State, who has voluntarily deserted the Countrys cause, & have had Recourse to the Enemy for Protection, directly or Indirectly, do remain in their present Situation until a Requisition be made by those who have them in Custody to the Authority of this State.

By order of Council, JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, Oct. 20 1777.

This Council having had under Consideration the particular circumstances of John Whitlock, are of opinion that he return to his farm in Castleton whenever he shall produce a Certificate from under the hands of his several Neighbors in that Vicinity that they are severally satisfied to Receive him into their Friendship, and their to remain until further orders, unmolested.

By order of Council, JOSEPH FAY, *Sec'y.*

N. B. May return with family if chuses.

*To whom it may Concern:*—The bearer John Whitlock is permitted to pass to Castleton for the purpose of procuring the above named Certificate. By order of Council, JOSEPH FAY, *Sec'y.*

Col. Peter Olcott proposed the following Question to the Council vizt. Several of my men deserted over to the Enemy after being drafted to go to Tyconderoga, were gone about one month & Returned. The Question is what must be done with those men.

Signd. PETER OLCOTT.[1]

The Council's Answer is:

If those men are willing to defend the States at the risque of Life and fortune, to Loose what has been taken from them, and sold for the benifit of the Country, and in case no Seizure & sale has been made, pay a fine adequate to their Crimes, give them protection and pardon, but if they refuse to be [bear] their proportion of Expence & will not Take up Armes in favor of our Cause, Treat them as outlaws.

By order of Council, JOSEPH FAY, *Sec'y.*

John Whitlock on further Consideration Judges it not Safe to Remove his family or Return himself to Castleton according to the pass from the Council of this day's date, he is therefore permitted to pass with his family & effects to Danbury in Connecticut.

By order of Council, JOSEPH FAY, *Sec'y.*

*To whom it may Concern.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 20th Oct. 1777.

Whereas, God in his providence has smiled in a very remarkable manner on our Armes in this Northern Department,[2] whereby we are Se-

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[1] See biographical notices of the members of the first Council, *post*, for notice of Col. Olcott.

[2] Meaning the capture of Burgoyne's army.

cured in a very considerable degree from the Ravages and Machinations of a Cruel and inveterate Enemy & their Confederates:

And Whereas we delight not in the Misery or Confinement of any Individuals when such Confinement is not absolutely Necessary for the Security of the Major part—Therefore we Recommend it to the Committees of the several Towns in this State to Liberate all such persons as have been Confined on Suspicion of being Enimical, or any whom you may Judge may with Safety to this State, or the United States, be Liberated in full or in part, with proper Restrictions, such as confinement to their farms or Towns under the Inspection of Reputable persons & during Good Behaviour.

By order of Council, JONAS FAY, *V. Pres't.*

Copy exam^d. JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 20th Oct. 1777.

Jeremiah Parker is permitted to pass to his home in Clarindon, there to remain unmolested until further orders from this Council.

By order of Council, JOSEPH FAY, *Sec'y.*

*To whom it may Concern.*

The bearer Joseph Luis [Lewis] is permitted to pass to Clarindon and Remain at Liberty until further orders from this Council.

By order, JOS. FAY, *Sec'y.*

*To whom it may Concern.*

Henry Francisco is Permitted to pass to his home at Granvil & there to remain unmolested until further orders from this Council, or any Military officer who may have demands on him.

By order, JOSEPH FAY, *Sec'y.*

*To whom it may Concern.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 21^t Oct^r 1777.

Resolved that Captain Joseph Bowker[1] be and is hereby appointed a

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[1] Col. JOSEPH BOWKER was one of the most prominent men in the state during the few years in which he lived to take part in public affairs. With two exceptions he was President of every General Convention, the records of which are given in this volume. At the first election under the constitution he was elected representative for Rutland and at the same time received the highest vote cast for any man as Councillor. Before the votes for Councillors had been canvassed, he was elected Speaker of the House, which office and that of representative he of course relinquished on taking his seat in the Council. To that body he was elected seven times and until his death. He was the first judge of Rutland county court, which office he held till Dec. 1783; also the first judge of probate, and held that office until his death in 1784. Thoroughly patriotic, eminently useful and pre-eminently popular, he left no heir to perpetuate his name, and no stone marks his grave. But as long as the early history of Vermont shall survive, his name will live.—See Deming's *Catalogue*, 1778-1851; and H. Hall's *Early History*, p. 456.

Commissioner of Sequestration, as Also Mr. George Foot[1] of Castleton is hereby appointed a Commissioner of Sequestration, to act in Conjunction (when it may be necessary) with the other Commissioners of Sequestration appointed on this side of the Mountains.

By order of the Council, JOSEPH FAY, *Sec'y.*

Warrant given to George Foot.[1]

Daniel Squire & Ebenezer Squire are permitted to Return to their homes & remain unmolested until further orders from this Council, having Taken the Oath of fidelity to the United States.

By order, JOSEPH FAY, *Sec'y.*

Abraham Davoo, of Pownal, is permitted to pass to his home in said Pownal unmolested until further orders from this Council.

JOS. FAY, *Sec'y.*

P. S. Was in Bennington Battle; has Taken the oath of Fidelity to the United States.

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 21t October 1777.

Benjamin Rose is permitted to return to his home & be Liable to return to this Council when called for, or any authority of N. York.

By order of Council, JOS. FAY, *Sec'y.*

Henry Young is permitted to return home and remain until further orders from this Council.

By order of Council, JOSEPH FAY, *Sec'y.*

*To whom it may Concern.*

This Council having taken into consideration the complaint of Job Wood against Ebenezer Wood, & having heard the several Evidences in support of the Complaint, are of opinion that Job Wood rest in the peacable Possession of the Farm the former property of Ebenr. Davis, late Decd., without Molestation from Ebenezer Wood until a proper Tryal can be had relative to the Title of Land, and that the said Ebenezer pay to the said Job for damage in breach of promise the sum of four pounds four shillings L. Money, & pay the Cost of Tryal, Taxed at £2 12 0. By order of Council, JONAS FAY, *V. President.*

The Complaint relative to the above Judgment, Warrant & Evidences to support it, are on file. JOS. FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 22d Oct. 1777.

John McNiel is permitted to pass from this to his home, there to remain under the authority of N. York, as he has Voluntarily taken the oath of Fidility to the United States of America.

By order of Council, JOSEPH FAY, *Sec'y.*

*To whom it may Concern.*

David Scott is permitted to pass from this to his home in White Creek, there to diliver himself up to the Authority of N. York, having Taken the oath of fidility to the United States of America.

By order of Council, JOSEPH FAY, *Sec'y.*

Amos Marsh is permitted to pass to his home, there to remain until further orders from this Council, having Taken the Oath of fidelity to the United States. By order, JOS. FAY, *Sec'y.*

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[1] The name of Mr. Foot appears again, in 1778, as quarter-master of the 5th Regiment.

Joseph Bratten is permitted to pass from this to his home in Clarindon, there to remain until further orders from this Council, also is permitted to Take his Cow wherever he may find her, proving his property, having taken the oath of fidelity to the United States.

By order, JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 24 Oct$^{r}$· 1777.

Resolved that Capt. Elkanah Cook be appointed & is hereby appointed one of the Commissioners of Sequestration for the State of Vermont to act in Conjunction with the other Commissioners heretofore appointed. Warrant and Instructions given.

Attest, JOSEPH FAY, *Sec'y.*

IN COUNCIL, Bennington, 24 October 1777.

*Sir*,—The Council finding it necessary Have Thought fit to appoint you a Commissioner of Sequestration, to act in conjunction with those Commissioners heretofore appointed—and Inclose you a Warrant for that purpose. Hope you will Accept thereof, by which you will Oblidge your Country & Your Humble Servant,

By order of Council, JOSEPH FAY, *Sec'y.*

*To Capt. Elkanah Cook.*

*To Col. Samuel Herrick:*

*Dr. Sir*,—Whereas Capt. [Justus] Sherwoods[1] wife has applied to this Council for Liberty to go to her husband at Tyconderoga, the Council would Recommend to you, or the officer commanding at Pawlet or Skeensboro, to convey her (by a Flagg) if you think it best, & by such person as you shall think most Expedient. Her necessary clothing & one bed is to be Allowed her.

By order of Council, JOSEPH FAY, *Sec'y.*

The bearer Samuel Adams wife[2] is permitted to pass with her Children to her Husband at Tyconderoga unmolested, after passing the Examination of the officer Commanding the Northern department. Necessary clothing & bedding to be Allowed, which order the Commanding officer will see punctually fulfilled.

By order of Council, JOSEPH FAY, *Sec'y.*

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[1] Capt. JUSTUS SHERWOOD, (sometimes written Justice,) of New Haven. He was named by John Munro as one of the party who rescued Remember Baker in 1772. Sherwood was proprietor's clerk of New Haven from the first meeting in 1774 until late in 1776, when he removed to Shaftsbury on account of the war. He was then an avowed loyalist, and was punished as such at Bennington. In his exasperation, he raised a company of loyalists and joined the British army in Canada. Col. Thomas Johnson of Newbury complimented Capt. Sherwood for humanity to him when a prisoner in Canada. He was employed by Gen. Haldimand in the negotiations with Vermont in 1780–'83.—See *Vt. Historical Magazine*, vol. I, pp. 71, 125; *Vt. Historical Society Collections*, vol. II, p. 168, and numerous other pages indicated in the index of that volume; and *ante*, p. 148, note on John Munro.

[2] See *ante*, p. 167, note on Dr. Samuel Adams.

BENNINGTON, 25th Oct. 1777.

*Dear General,*—I am directed to acquaint your Honor of the Necessity of Building some Barracks, a Hospital, &c. in this place, as there is a Large Continental Store keep here of Provisions & ammunition for the use of the Continent, & a Guard to Guard it, as also it is a place where soldiers Rendezvous, which makes it not only Necessary on acct. of its being very Troublesome to the Inhabitants, but very inconvenient for both officers & Soldiers, who are passing to and from the Army. The Inhabitants of this place have been Willing to Suffer any thing to support the American Cause, & still are, but if your honor should think expedient to order Barracks to be Erected it would Greatly Contribute to the Benefit & Happiness of not only the People but officers and Soldiers that may be ordered this way. I shall However submit the affair to your honors direction being assured nothing in the power of your honor will be wanting that will Contribute to the Hapiness of the People.

I have the Honor to be Dr. General
your most obt. Humble Servant,
By order, JOSEPH FAY, *Sec'y.*

*Honble Majr Genl Gates.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 29 October 1777.

Philo Hards Wife is permitted to pass with her child to her Husband at Tyconderoga.

pr. Order, JOSEPH FAY, *Sec'y.*

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[Oct.] 30th. Resolved that Michael Dunning be a Commissioner of Sequestration & is hereby appointed. Warrant and Instructions Given.

By order of Council, JOSEPH FAY, *Sec'y.*

Mary Eares [ Ayer or Ayres ] is permitted to Take any of her effects wherever they may be found, proving her property.

By order of Council, JOSEPH FAY, *Sec'y.*

*To whom it may Concern.*

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[Oct.] 31st. Stutly Stafford is permitted to pass to his home & there remain until further orders, having Taken the Oath of fidility.

By order of Council, JOSEPH FAY, *Sec'y.*

*To whom it may Concern.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 31t Oct. 1777.

The bearer John McNeil[1] is permitted to remain at Lieut. Breakenridges until further orders from this Council, and no other power in this

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[1] This case, in connection with that of James Breakenridge, was often before the Council of Safety, and Governor and Council, and reprieves were granted from time to time, the result being that Mr. McNeil took the oath of fidelity and was permitted to remain in the state. He was for many years and until his death an honorable and useful citizen, widely known as Gen. JOHN MCNEIL of Charlotte. He was one of the first settlers of Tinmouth, where his residence was in 1777, when his property was confiscated on account of his being a loyalist. He seems then to have taken up his residence in Bennington with James Breakenridge, another very worthy man but unfortunately a loyalist. From Bennington Gen. McNeil removed to Charlotte with

State than that of this Council will in future presume to violate a permission of this Tennor.

By order of Council, JOSEPH FAY, *Sec'y.*

*To whom it may Concern.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 12th Nov$^{r}$. 1777.

*To the Sheriff of the County of Litchfield, [Conn.]*

*Sir*,—The bearer Mr. Abel Hawley informs this Council that he has a son by the name of Agur Hawley who is confined in the Common Goal at Litchfield. The Council are unacquainted with the occasition [occasion] of his confinement at that place, as no person here is able to give account whether any Mittimus has been given, or whether his case be Criminal. Should you on Examination find it consistent with good rule to send him to this Council as he is properly an Inhabitant of this State, they would Take his case under consideration and endeavor to Deal with him according to his Merit.

I am Sir your most Obedient Hum$^{bl}$ Servant,

By order of Council, JOSEPH FAY, *Sec'y.*

BENNINGTON, 12 Nov. 1777.

*Dear Sir*,—Brigade Major Walbridge, who has undertaken to build a Store House in this place, has made application to this Council for the assistants of Lieut. Edgerton & several others of your Regiment, (such as he may chuse.) The Council submit to your direction whether the service requires their Immeadiate assistants. If so you will Doubtless Detain them, if not they may Continue in the Service, and attend the business as Artificers, for which Lt. Edgerton & other Workmen will be Allowed 1 dollar pr. Day, in addition to their present pay, & common hands 4s pr. day. The number wanted will be about 10 which must be Good Hands. I am directed to present you the Council's compliments. You will please to accept the Same from

Dear Sir (by order of Council)

your most Obedient Hum$^{ble}$ Servant,

*Col$^{o}$. Herrick.* JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 13 Nov$^{r}$. 1777.

The following is a Coppy of Jonathan Howards Certificate from Doc$^{t}$. Roback, viz$^{t}$.

"Jonathan Howard being unfit for duty on acc$^{t}$. of his Health is permitted to pass to Bennington. JACOB ROBACK, *Surgeon.*"

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Maj. JONATHAN BREAKENRIDGE. They were among the first settlers and were leading citizens of that town. Breakenridge was the first Methodist in Charlotte, leader of the first class, then a local preacher, and always an esteemed citizen. Gen. McNeil was the first town clerk, March 13, 1787; the first representative in 1788, also in 1789 and '90, '92 and '93, and in 1796; judge of probate in Chittenden county three years, 1787 to '89; and judge of the county court five years, 1789 to 1793. He was delegate in the convention of 1791, which adopted the constitution of the United States; and of 1793, which re-arranged the constitution of Vermont. McNeil's ferry, from Charlotte to Essex, N. Y., perpetuates the name of John McNeil.—See *Vt. Historical Mag.*, vol. I, p. 745; and Deming's *Catalogue*, 1778 to 1851.

The bearer Jonathan Howard is hereby permitted to pass home, & is also discharged from the Service.

By order of Council, JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 14 Nov^r. 1777.

*To Lieut. Martin Powel:*

*Sir*,—You are hereby required to Let the bearer Mr. Broomly have one yoke of oxen formerly the property of Samuel Rose, he giving his obligation for the Value on Demand, after being appraised by men of Judgment, or as you & he can agree.

By order of Council, JOSEPH FAY, *Sec'y.*

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*Dr. Sir*,—It has been some considerable time since this Council have been Together, occasioned by the Indisposition of the bodily Health of some of the Members.—They are now Together and have your Several Letters of a Late date before them. The Report of the Enemies Evacuating the Fortresses Tyconderoga & Mount Independence makes it unnecessary to answer your request for raising the Militia of this State. The Messenger sent after shoes for your Regiment is dailey expected. On his return shall Let you know his success. The Council are of opinion that no persons were Included in the Articles of Convention made and Subscribed by & between Lt. General Burgoyne & the Hon^ble Major General Gates, but those who are actually Included within Burgoynes Lines at the Time of Subscribing those Articles, therefore naturally Conclude that those Tory Enemies who were without Burgoynes Lines are not to be Delt with by the Military, but Civil Law, by which Rule you Doubtless Guide your Conduct.

I am Sir, (By order of Council) your
most Ob^t. Hum^ble Servant,
JOSEPH FAY, *Sec'y.*

*Col^o. Herrick.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 14 Nov^r. 1777.

Resolved that Thursday the 4 day of December next be appointed and hereby is appointed to be observed as a day of Public thanksgiving and Prayer throughout the State of Vermont.

By order of Council, JOSEPH FAY, *Sec'y.*

[Nov.] 15th. David Millington & Joseph Hornblower are permitted to pass to Col^o. [John] Brown's Regiment.

By order, JOSEPH FAY, *Sec'y.*

Andrew Stevenson, John Smith, Benoni Pendirk, Daniel Martin, & Samuel McFarren, is permitted to pass to St. Coik, to Maj. John Van Ranslears, there to diliver themselves up to the authority of New York.

By Order of Council, JOSEPH FAY, *Sec'y.*

*To whom it may Concern.*

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STATE OF VERMONT. Bennington, 15th Nov. 1777.
IN COUNCIL, date above.

*Sir* :—Inclosed you have a List of the names of five prisoners (& their crimes) belonging to your State, who have for some days past been Confined in this place. We have thought proper to Take their paroles to Deliver themselves [to] you as prisoners, & to be subject to the Authority of the State of N. York. You will therefore, after Examining them,

send for the Evidence to support the Several Charges against them, & Deal with them according to the nature of their Crimes.

I am Sir (by order of Council) your
most obedient Humble Servant,
JOSEPH FAY, *Sec'y.*

*Major John V. Ranslear.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, Nov^r. 16 1777.

Resolved that it be recommended and it is hereby recommended to the Committees of Safety of each Town in this State to Take immediately under their examination all persons who have been to the Enemy, or such as are deemed Enemies to their Country, each Committee Taking under their Examination the persons belonging to their own Town, & in such Towns where no Committee is appointed to Call the assistants of neighboring Committee. No person to be tried short of the number of seven or more Committee men selicted from three different Committees. In case any such person or persons cannot Satisfy the Inhabitants of the Town to which they belong, & obtain their Liberty to Remain at home under proper Restrictions, to send such persons forthwith to this Council, with their Crimes in writing & Evidences to Support the Charges against them.

The Council further Recommend to the respectable [respective] Committees of Safety in this State to be ever mindful of the Worthy And Laudable Example set us by His Excellency General Washington, & the Good people Inhabitants of New Jersey, always bearing in mind to Consider the weak Capacities of many who have been affrightened into a Submission to General Burgoyne &c., after which seeing their Eror confess their fault & are willing to defend their Country's Cause at the Risque of Life & fortune.

By order of Council, THOMAS CHITTENDEN, *Pres't.*

P. S. No persons whatever Included in articles of Capitulation are to be considered.

Attest, JOSEPH FAY, *Sec'y.*

Mary Reynolds is permitted to send for her Gray horse & keep him in her possession until further orders from this Council.

By order of Council, JOSEPH FAY, *Sec'y.*

*To whom Concerned.*

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STATE OF VERMONT. Bennington, 16 Nov^r. 1777.
IN COUNCIL, date above.

*Dear General,*—The Council inclose to your Honor a Letter from L^t. Colonel Herrick which contains an acct. of the Enemies Having avacuated the Fortresses Tyconderoga and Independence, as also a request to be removed to this place.

The Council would wish to know if your Honor has any further Service for them in the Northern Department, as this part of the Country seems at present to be secure on acct. of the Enemies from Great Britain, and as his Regiment was raised by this State to continue in Service until the 15 day of January next only, it is possible they might be sooner discharged if not disagreeable to your Honor's pleasure.

I have the Honor to be Dear General your
most Obedient Humble Servant,
by order, JONAS FAY, *V. P. of Council.*

*Hon^ble Majr Gen^l Gates, Albany.*

17th Novr. 1777.

*To Captain John Fassit:*

*Sir*,—You are hereby Required to Diliver to James Brock his Cow, which you have in posession, his paying charges due for keeping and trouble.

By order of the Council, JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 17 Novr 1777.

Isaac Ives it [is] permitted to pass to Wallingford in the State of Vermont.

By Order, JOSEPH FAY, *Sec'y.*

18th Nov. This may Certify that Serjeant Silas Livermore has faithfully done his duty as Commander of the Guard at this place, & that the Council have discharged the prisoners from the Guard house, & have no further service for him.

By order of Council, JOSEPH FAY, *Sec'y.*

*To whom Concerned.*

The following is a copy sent to the several Committees of Safety in this State, viz:

*Gentlemen*.—Inclosed you have a Copy of a Resolve of Council by which you will be Governed, and with respect to Tory Estates it must be left to the determination of Council.[1]

By order, THOMAS CHITTENDEN, *Pres't.*

William Irish is permitted to pass to Tinmouth.

By order, JOSEPH FAY, *Sec'y.*

BENNINGTON, 18 Novr 1777.

*Madam*,—We recd. your petition 8 Instant requesting an answer. We Let you know that we are not destitute of Humane affection Towards all persons that are in principle and practice friends to America if it be found in the *weaker* Vessel. Therefore you are permitted to remain in Peace where you are until further orders from this or a future Council or a General Assembly of this State.

By order of Council, JOSEPH FAY, *Sec'y.*

*Mrs. Easter Hawley.*

[Nov.] 18. John Foot is permitted to pass from this to Sunderland.

By Order of Council, JOSEPH FAY, *Sec'y.*

*To whom it may Concern.*

[Nov.] 18. Daniel Hill is permitted to pass to his family in the State of N. Hampshire.

By order of Council, JOSEPH FAY, *Sec'y.*

*To whom it may Concern.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 18 November 1777.

Benjamin Reynolds & George Gardner is permitted to pass to Pownal.

By order of Council, JOSEPH, FAY, *Sec'y.*

Isaac Goodsel is permitted to pass to Wells.

By order, JOS. FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 19 Novr. 1777.

*To Lt. Peter Roberts, Commissioner of Sequestration:*

*Sir*,—You are hereby requested to furnish Colonel Thomas Chittenden with a quantity of Hay at Arlington (if any there) for the support of

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[1] The resolution enclosed must have been that of Nov. 16, before given.

his cattle, keeping an acct. of the Same, & this order shall be your sufficient Voucher.

By order of Council, JOSEPH FAY, *Sec'y.*

[Nov.] 19th. Whereas David Remington, an Inhabitant of this State, is Guilty of Deserting his Country's Cause & repairing to the Enemy, & aiding & assisting the British Troops against the United States of America, by which he is deemed a notorious enemy to his country,

Therefore Resolved that the whole of His Interest within this State be forfeited & sold for the use and Benefit of Said State.

It is further Resolved that the said David Remington forthwith repair to his family wherever they may be, and never return within this State without Liberty from proper Authority of this State, upon penalty of being taken up by any person or persons & brought before any Committee of Safety or Selectmen, or any proper Authority of this State, & after being Convicted of such offence to Receive thirty-nine stripes on the Naked back put on at the Discretion of said Authority, & for every such offence to be punished as aforesaid.

By order of Council, THOMAS CHITTENDEN, *Pres't.*

David Remington is permitted to pass from this to his family wherever they may be.

By order of Council, JOSEPH FAY, *Sec'y.*

*To all Concerned.*

John McNeil is permitted to pass To Tinmouth.

By order of Council, JOSEPH FAY, *Sec'y.*

*To all Concerned.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 19 Nov^r. 1777.

It is the opinion and Judgment of this Council, that Deacon Azariah Rude [Rood] pay Capt. John Fassett and his two Lieutenants, Matthew Lyon and Jonathan Wright, all the Ration money due to them while in service at Onion River in the year 1776 amounting to Twenty dollars, Takeing Capt. Fassett's Rec^t. for the same, being money which said Rude Drew from the Quarter Master General.

By order of Council, JOSEPH FAY, *Sec'y.*

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[Nov.] 20.

*To Mr. Stone:*

*Sir,*—You are hereby requested to diliver Mr. Frazer the Leather belonging to him and Simon Frazer, their paying your Demands for Taning. By order, JOSEPH FAY, *Sec'y.*

IN COUNCIL, Bennington, 20 Nov^r. 1777.

*Sir,*—Inclosed you have a Commission of Sequestration, hope you will Except the same, wish you wisdom & patience in the due Exertion [execution] thereof, & am Sir by order of Council your most Obedient Hum^ble Servant,

THO^S. CHITTENDEN, *Pres't.*

*Capt. Joseph Bowker.*

IN COUNCIL, Bennington, 20 Nov. 1777.

*Dear Col^o.*—In consequence of your Letter of the 14 Inst. requesting to be removed to this or some place Nigh this, The Council immediately Sent an Express to General Gates with a Copy of your Letter, as also a Copy of Gen. Powels Letter to you, & your answer. The express has this moment Returned. Inclosed you have a Copy of the Generals Let-

ter, which I think does you and the State of Vermont great honor, & by which you will find the Generals approbation on your Regiments being Dismissed. The Council therefore order that your Regiment be Dismissed immediately as soon as this Comes to hand unless it will be a means of Frustrating some plans which you have in prosecution. You will be able to judge in that affair. I am directed by Council to return you and the Regiment under your Command, both officers & soldiers, their Hearty thanks for their good services to this & the United States. The Council is also requested by the Hon^ble^ Major General Gates to return you his thanks for the good services of your Regiment, which you will see by his Letter inclosed. I am sir sincerely

your Hum^ble^ Servant, by order of Counsel,

JOSEPH FAY, *Sec'y.*

*Col^o.^ Herrick.*

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[Nov.] 21st.

*To Mr. Alfred Hathaway:*

*Sir*,—You are hereby required to procure immediately Teames sufficient to Transport Ten berrils flour from Manchester to the Relief of Col^o.^ Herricks Regiment, Paulet. You are further Authorized to Impress Teames where you may find them most convenient for that purpose, for which this shall be your sufficient Warrant.

By order, JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 21^st^ Nov^r.^ 1777.

Agur Hawley is permitted to pass from this to Reupert.

By order of Council, JOSEPH FAY, *Sec'y.*

BENNINGTON 21 Nov^r.^ 1777.

*Dr. Sir*,—Yours of Last Evining came to hand this Morning forwarded by L^t^ Holmes I am ordered by Council to let you know they are much pleased at the Spiritted Conduct of Major Wait & Capt. Allen, in their late Expedition by your orders, & that a Coppy of your Letter will be immeadiately sent to the Hon^ble^ Major General Gates, which I think cannot fail to Recommend your Regiment in the Highest Degree. You will find Inclosed in a Letter from Council of yesterday a Copy of a Letter from General Gates, which does your Regiment Great Honour. Commissary Sherman (on the Reception of your Letter for Provisions) made application to Council, on which a press Warrent was Drew to forward Ten berrils of flour from Manchester to your relief with all possible Expedition.

I am Sir with respect,your real friend & Hum^ble^ Serv^t,

By order of Council, JOSEPH FAY, *Sec'y.*

*Col^o.^ Herrick.*

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BENNINGTON 22d Nov^r.^ 1777.
STATE OF VERMONT. IN COUNCIL, date above.

*Gentlemen*,—We Rec^d.^ the proceedings of your Town in October 25^th^ ult^o.^ These are to inform you that we have passed a Resolve in what manner Tories shall be Tried. The Commissioners of Sequestration have Rec^d.^ their orders from Council in what manner to proceed with Tory Estates & that those who have forfeited their Estates, it is to the State in General & not to any particular Town, til further orders from this, a future Council, or General Assembly.

I am Gentlemen By order of Council

your most Obt. Hum^ble^ Serv^t,

THO^s.^ CHITTENDEN, *P.*

*To the Inhabitants of Clarendon.*

BENNINGTON 22 Nov. 1777.

We have the pleasure to inform your honor of the Success of our Green Mountain Rangers in harissing the Enemies rear on their retreat from Tyconderoga in which Capt. Ebenezer Allen with 50 Rangers has taken 49 prisoners, upwards of one hundred Horses, 12 yoke of oxen, 4 cows & 3 of the Enemies Boats, &c., &c.

Maj. Wait, who was Sent to Take possession of Mount Independence, found nothing of Consequence there except several Boates which the Enemy had sunk, in which there was some provisions. All Barracks, Houses & Bridges were Burnt, Cannon to the number of 40 were Broke & spiked up. He was so fortunate as to Take one French Settler [sutler] with some Rum, wine, Brandy, &c. Agreeable to your honor's request for Col°. Warner to come to Albany, Express was sent & he is to set out for Albany this Morning.

I have the honor to be (by order of Council)
your Honor's most Obedient Hum^ble Servant,
THOMAS CHITTENDEN, *P.*

*Hon^ble Maj. Gen^l Gates.*

[Nov.] 24^th. Resolved that Doct^r. Paul Spooner, Col. Peter Olcott & Capt. Curtis be appointed, and are hereby appointed a Committee to settle with the Commissioners of Sequestration on the East side of the Green Mountains in this State, and make Returns to this Council by the first day of January next.

By order of Council, JOSEPH FAY, *Sec'y.*

[Nov.] 24^th. Resolved that the members of Council belonging on the east side of the Green Mountains in this State, Together with the above Committee appointed to Settle with the Commissioners of Sequestration, be appointed and are hereby appointed with full powers to Determine the distination of all such persons whom the Committees of Safety deem to be dangerous persons to remain within this State or the Town to which they belong, also to Determine with respect to the Confiscation of such Estates.

By order, THOM^s. CHITTENDEN, *Pres't.*

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IN COUNCIL, Bennington, 25 Nov^r. 1777.

*Dear General,*—I am directed by Council to Inform your honor, that the prisoners Taken by Capt. Allen on the West side Lake Champlain have arived at this place. The Council thinks proper to send them to Albany where your honor can dispose of them as you shall think proper as the most part of them are Tories belonging to the State of N. York. Several of them pretend they were included in the Capitulation Between your Honor & General Burgoyne. Be that as it will they was found aiding & assisting the Enemy to Drive their Cattle to Canada. Your honor's Wisdom will be sufficient to direct in this affair.

I have the honor to be, (by order
of Council,) Your honor's most
Obedient Hum^ble Servant,
THO^s. CHITTENDEN, *P.*

*Hon^ble Maj^r Gen^l Gates.*

Bennington 25th Nov. 1777.

*To Capt. Samuel Robinson :*

*Sir,*—You are hereby required to Take Seven men of your Company of Militia, Together with Eight of the Rangers, who Guarded the prison-

ers from Paulet to this place, & take the Command of the Guard, & March the Prisoners now in the Guard House immediately to Albany, & diliver them to the Hon^ble^ Major General Gates.

I am Sir, (by order of Council,) your most
Obedient Humble Servant,
THO^S.^ CHITTENDEN, *P.*

IN COUNCIL, 25 Nov^r.^ 1777.

*Sir*,—The Confusion & Multiplicity of Business Occasioned by the Unhappy War in the Northern Department since the appointment of this Council has prevented their being able to git the constitution printed which oblidges us this Council to desire you to Call together the old Convention to meet at Windsor, on Wednesday the 24 of December Nexte, which you will not fail to do. I am Sir (by order of Council,)

your most Obedient Hum^ble^ Servant,
*Capt. Bowker*, [*President.*] THOS. CHITTENDEN, *P^t.*

P. S.—The business of the Convention will be to Adjourn the meeting of the General Assembly. THO^S.^ CHITTENDEN.

28 Nov^r^ 1777.—Capt. Jonathan Fassett commissioned to Sequester Tory effects, [to] last during the pleasure of this Council or other Legislative body within this State. JONAS FAY, *V. P.*

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BENNINGTON, 29th November 1777.

*Dear General*,—I am directed by this Council to acquaint your honor, that the prisoners taken by Capt. Allen have arrived at this place, and on examination find (to our surprise) a number of them to be included in the articles of Capitulation, therefore think to Inclose a particular return of them & beg your honors further direction. Notwithstanding your orders to send them to Hartford in Connecticut yet least it might be disagreeable to your honor to send any who were destined to Canada, altho when Taken were found aiding & assisting the Enemy to drive Cattle & secure their effects, thought proper to acquaint your honor with every particular Circumstance. Beg your direction by the bearer, which will be chearfully Complied with by your Honors

most Obedient Humble Servant,
THOM. CHITTENDEN.

*Hon^ble^ Major Gen^l^ Gates.*

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STATE OF VERMONT. Bennington, 3 December 1777.

*Sir*,—I have it in Command from the Hon^ble^ Major General Gates to Send all the Prisoners of War (Confined in this place) to Hartford in Connecticut & Deliver them to your Charge. I have Transmitted a particular return of them to the Commissary of Prisoners at Albany. You will be able to Take a particular acc^t.^ of them from their own Declaration. I am Sir by order of Council

your most ob^t.^ Hum^ble^ Servant,
JONAS FAY, *V. P.*

*Ezekiel Williams, Esq^r.^,*
*Com^r.^ of Prisoners, Hartford.*

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BENNINGTON, 4 December 1777.

This day sent to Captain Elkanah Cook to proceed on business according to Commission of Sequestration sent him. This letter sent by Mr. Stephen Williams. JOS. FAY, *Sec'y.*

Resolved that Joseph Smith and Abraham Salisbury be appointed & they are hereby appointed Commissioners of Sequestration. Warrants delivered for the same. JOSEPH FAY, *Sec'y.*

Letter sent to John McConnel, Manchester, to Diliver up the Cow in Custody belonging to this State to Lieut. Powel to be kept until further orders. JOS. FAY, *Sec'y.*

Andrew Barton[1] is permitted to pass to New Haven & Return to this Council by the 10th day of January next for Tryal.

By order of Col°. Chittenden, JOS. FAY, *Sec'y.*

N. B.—he is also permitted to Take home one cow which [he] Left on Otter Crick.

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IN COUNCIL, 8 December 1777.

*Sir*,—Yours of the 17 Instant [ultimo] came to hand this morning requesting to have the Evidence of Galord Hawkins sent to you. I am directed by Council to acquaint your honor that he has Contrary to Express orders from Council left this Town, & as his Crimes was committed in this State, think proper that he be sent Immeadiately to this place for Trial. I am Sir (by order of Council)

your most Ob^t. Hum^ble Servant,

JOSEPH FAY, *Sec'y.*

*Edward Hinman, Esq., Woodbury,* [*Conn.*]

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 12 Dec^r. 1777.

The Committee of Safety for the Town of Dorset are this day certified that Asa Bawldwin, Samuel McCoone, W^m. Underhil, Thomas Bawldwin & Moses Veal are discharged for whatever they may have said or acted relative to the dispute between Great Britian and America to the 23^d day of September last.

By order of Council, JONAS FAY, *V. President.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 20^th Dec^r. 1777.

This day given Colonel Chittenden an order to Take one Cow belonging to this State, now in the Custody of John Conner of Manchester, which Cow is to be appraised and an acc^t. Returned to this Council.

By order of Council, JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 20 Dec^r. 1777.

Andrew Hawley is permitted to Take his Gun, first obtaining Liberty of the Committee of Safety, and Return it to Committee within six weeks from this date.

By order of Council, THOS. CHITTENDEN, *Pres't.*

*To all Concerned.*

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The end of the Proceedings of Council as Recorded in Book N°. 1, entered in this Book this 22^d day of March, 1788.

By order of the Governor and Council,

JOSEPH FAY, *Sec'y.*

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[1] Mr. Barton was subsequently examined and acquitted.

NOTE BY THE EDITOR.—From the number of pages on the manuscript record, it appears that "Book No. 1" must have contained only about one quire of paper. The use of such books, probably unbound, with the further fact, indicated elsewhere, that the entries of some sittings of the Council were made on loose sheets, accounts for the incompleteness of the present official record of proceedings previous to 1788. Next in order on the official record, (though dated in September 1777,) is the following entry, which is given here simply to indicate that it is a part of the record. The letters, which followed it, have been inserted in chronological order with the other proceedings of the Council.

BENNINGTON, 17th Sept. 1777.

The following are copies of letters written by the Council commencing date above, & ending the 17th of Feb. 1778.[1]

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STATE OF VERMONT. IN COUNCIL OF SAFETY, Bennington, 3d Jany. 1778.

Bennet Bardsley is permitted to pass from this to his home in Manchester & return to Council the 8 Instant.

By order of Council, JOSEPH FAY, *Sec'y.*

*To all Concerned.*

Resolved to appoint Moses Robinson of Rupert[2] a Commissioner of Sequestration of that Town. His Commission & Instructions Sent to him for that purpose.

By order of Council, JOSEPH FAY, *Sec'y.*

Resolved that Captain John Fassett Jur. be & he is hereby appointed a Commissioner of Sequestration for the Town of Arlington. Commission & Instructions Dilivered.

By order of Council, JOSEPH FAY, *Sec'y.*

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IN COUNCIL OF SAFETY, 6 Jany. 1778.

Resolved that it be recommended to the Committee of Safety Convened in Convention for the Towns of Shaftsbury, Bennington & Pownal, to Strictly Examine into the particular Circumstances of the Estates of all such persons as they have had under Immediate Examination & are deemed to be Enemies to this and the United States of America, & as soon as may be Transmit to this Council a Copy of their Opinion of all or any part of Estates that are Justly Forfeited to this State.

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[1] The first letter recorded bore date Sept. 17, 1777, and it is probable the letters were originally copied on sheets separate from the minutes and were afterwards transferred to the official record in a body, as they now stand there.

[2] MOSES ROBINSON of Bennington was Councillor in March 1778 and afterward judge of the supreme court, governor, and U. S. Senator; and MOSES ROBINSON of Rupert represented his town in the Assembly of March 1778 and for several succeeding years.

BENNINGTON, 7 January 1778.

*Sir*,—You may remember that on the 21$^{t}$ day of October Last Judgment was had against you by the Council of the State of Vermont in favor of M$^{r}$· Job Wood in which Tryal you was to pay the Cost which I find on Examination to amount to about £5 0 0. M$^{r}$· Job Wood now present requests the Authority of Council to interpose in his behalf. On this Indulgence of Council it is Expected you will pay his bill on Sight. Should you Refuse, you need not Expect a second Indulgence in the Premises. I am your friend & Hum$^{ble}$ Serv$^{t}$,

JONAS FAY.

*M$^{r}$· Eben$^{r}$· Wood.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 9 Jan$^{y}$· 1778.

This may Certify all whom it may Concern that Bennet Bardsley was Tried before this Council on the 24 day of September last for Enemical Conduct, and that he did satisfy the Judgment of Council upon which he was discharged.

And Whereas the Convention of Committees have Since taken him under their Examination & Adjudged him to be Enimical to the Liberties of America & Referred him to this Council to dispose of him as they think proper, They finding no Crimes against him (Transacted since his Trial aforesaid) do hereby discharge him, & he is permitted to pass to his home and there remain Unmolested, under the Inspection of the Committee, his Behaving as Becometh a friend to this & the United States of America. By order of Council,

JONAS FAY, *V. Prest. of Council.*

Attest, JOS. FAY, *Sec'y*·

[January] 9th.

*To L$^{t}$· Peter Roberts:*—You are hereby required to Diliver Bennet Bardsley his horse & other effects, which you lately [took] as his Estate by virtue of your Commission of Sequestration for the use of this State.

By order of Council, JOSEPH FAY, *Sec'y*·

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STATE OF VERMONT. IN COUNCIL, Bennington 10 Jan'$^{y}$· 1778.

*Dear Sir*,—At the last Sitting of the General Convention at Windsor the 24$^{th}$ of Dec$^{r}$· last they were pleased to Choose you a member of the body. Ira Allen Esq$^{r}$· was appointe$^{d}$ to advertise you therewith & desire your Immediate Attendance at this place; And least he should through hurry of business have neglected it, the Council Congratulate you on your appointment & Request your attendance without loss of Time, as much businsss is on hand of Absolute Necessity to be immediately Compleated, as Settling with the Rangers, &c.

I am D$^{r}$· Sir your most Obed$^{t}$· Hum$^{ble}$ Servant,

JONAS FAY.

*Benjamin Carpenter, Esq$^{r}$·*

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BENNINGTON 12 Jan$^{y}$· 1778.

*Sir*,—Yours of this days date is now before the Council in which you request to know whether Thomas Barren & Jonathan Nicholdson are prisoners of War. The Council have wrote to Gen. Gates on the Subject, who says in his answer they are by all means to be deemed as Such.

The Council therefore Expect you to Provide for them their rations on application until an Opportunity shall Present for disposing of them Otherwise.

I am Sir your Humbl. Servant,
By order of Council,
JONAS FAY, *V. President of Council.*

*William Sherman, Esqr.*, *Commisary.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 12th Jany. 1778.

*Gentlemen*,—On application of Mr. Butterfield forwarded by the Honble Colo. Chittenden, this Council have Taken into Consideration the Matter relative to the Estate the former property of James Hard[1] late of Arlington, and are of Opinion that you have good right to rent the whole agreeable to your Instructions in your Commissions (except but for one year from the first of April next) Notwithstanding the Womans Deed (Distinct) or otherwise from her husband.

I am, Sir, your Most Obedt. Humble Servant,
JOSEPH FAY, *Sec'y.*

*Capt. Fitch & Lt. Roberts, Commissioners Sequestration*

STATE OF VERMONT, IN COUNCIL OF SAFETY,
Bennington, 12th Jany. 1778.

This Council having taken into Consideration the application of the Honble General John Stark requesting ten effective men to be immediately Employd in Beating & Treading the Snow in the Road Leading from this place thro the pass of the Green Mountains to Colo. William Williams in Draper Alias Wilmington within this State, do hereby Grant the said request, & order that Capt. Samuel Robinson, overseer of the Tories, provide such numbers properly officered & equippt with provisions and other requisite necessaries for such Service, who are to be in readiness to March Immediately.

By order of Council,
Attest, JOS. FAY, *Sec'y.* JONAS FAY, *V. P.*

Jan. 12 1778.

*To Capt. Saml. Robinson, Overseer of Tories:*

You are hereby required to Detach Ten effective men under your Command with proper officers to take the charge and March them in Two Distinct files from this place through the Green Mountains to Col Wm. Williams Dwelling house in Draper Alias Wilmington within this State, who are to March & Tread the Snow in Sd. Road to suitable width for a Sleigh or Sleighs with a Span of Horses on Each Sleigh, and order them to return Marching in the Same manner to this place with all convenient Speed. By order of Council, JONAS FAY, *V. P.*

N. B. you are to order 3 days provisions to each of such men & the same to be Cooked this day & to March at 6 oClock tomorrow morning.
Attest, JOSEPH FAY, *Sec'y.* JONAS FAY, *V. P.*

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BENNINGTON, 13 January 1778.

The petition of John Payne, John Ordway, Comfort Sever & their associates, being presented to this Council, having Taken the Same under their Consideration, Voted that said petition remain in this office on file

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[1] Hard was proscribed by the act of Feb. 26, 1779.

& at the sitting of the General Assembly of this State to be laid before them, being the first Petition made for the Grant of the Land therein Mentioned.[1]

By order of Council, THOS. CHITTENDEN *Pres't.*
Attest, JOSEPH FAY, *Sec'y.*

[Jan.] 13th.

*To Irael Camfield, [Israel Canfield,] at Arlington:*
You are hereby ordered to deliver to the Bearer Mr. Daniel Sherman, Ten sides of Neates Leather & Two sides of horse Hide.

Pr order of Council, THOS. CHITTENDEN, *Pres't.*

[Jan.] 13th.

Benjamin Eastman of Arlington is permitted to remain at home until further orders from this Council he Behaving as becometh.

By order of Council, THOS. CHITTENDEN, *Pres't.*

Resolved that it is the Opinion of this council that Abner Wolkuts[2] Estate is & it is hereby Declared to be forfeited to this State.

(by order of the Council)
THOS. CHITTENDEN, *Pres't.*
Attest, JOS. FAY, *Sec'y.*

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BENNINGTON, 13 Jan$^{y}$. 1778.
STATE OF VERMONT. IN COUNCIL, date above.

*To Mr Peter Hawley:*
*Sir,*—Please to deliver to the Bearer James Lewis Seargeant Major one & a half Bushels Wheat.

p$^{r}$ order of Council, THOS. CHITTENDEN, *Pres't.*

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[Jan.] 14.

This Council Having this day examined the Complaint and evidence against Mr. Andrew Barton relative to Enimical Conduct against the United States of America, do hereby Acquit him from Such Complaint, & do Also permit him to pass & repass on his Lawfull business unmolested. By order of Council, JOSEPH FAY, *Sec'y.*
*To whom it may Concern.*

——14.——

Resolved that it is the opinion of this Council that Deacon Azariah Rood is guilty of Enimical conduct against the United States of America, therefore Voted that he pay a fine of thirty pounds L. Money for the use of this State & to Stand Committed until this Judgment be Complied with. Further Resolved that said Rude is not permitted to go further to the Northward than the North line of Rutland within this State on penalty of forfeiting & paying a fine for the use of the Same.

By order of Council,
THOS. CHITTENDEN, *Pres't.*
Attest, JOS. FAY, *Sec'y.*

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[1] This was the first petition made to Vermont for a grant of land, and the original is in the office of the Secretary of State. In response, the township of Bethel was granted.

[2] Abner Wolcott of New Haven was proscribed by the act of Feb. 26, 1779.

In Council, Bennington 14 Jan$^{y}$· 1778.

This Council having Taken under their Examination the Complaint of Captain Samuel Robinson against Deacon Azariah Rude for defrauding & endeavoring to cheat him the said Robinson out of Seventy Seven dollars Billiting Money, &c., And do hereby Resolve that the said Rood pay Capt. Robinson Seventy Seven dollars being his demand for billet money, & pay Cost & to stand Committed until this Judgment be Complied with.

By order of Council,

Attest, Joseph Fay, *Sec'y*· Thom$^{s}$· Chittenden, *Pres't*.

The above Judgment satisfied & paid.

Jos. Fay, *Sec'y*·

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State of Vermont. In Council, 14 Jan$^{y}$· 1778.

Whereas many of the Inhabitants of this State are drove from their Possessions the last year by the Enemy, by which means they have been Prohibited the Benefit of Securing their Corn, Grain, &c. & from making the necessary preparations for a future Crop, by which meanes there appears to be Great Danger of such Inhabitants & others Suffering for Want thereof, And Whereas it has been Represented to this Council that Considerable Quantities have been & still are daily Transported out of this State, To prevent such Inconveniency in future, this Council have Taken the same under their consideration, & have tho$^{t}$ fit & do hereby Resolve that no wheat, rye, Indian Corn, Flour, or meal be Transported out of this State, or sold to any person not residing within the Same (except Continental Stores) after the date of this Resolve, except they have a permit from this Council, or General Jacob Bayley, Col. Peter Olcott, Col$^{o}$· Joseph Marsh, Col$^{o}$· John Barret, or any two of them. Any person or persons Violating this Resolve shall on Conviction thereof, before 5 or more Committee men of the Town, or Towns, adjacent to where such grain, Flour, or meal is carried from, (who are hereby Authorized to hear, Judge & Determine the Same,) shall forfeit such Load or quantity of Grain, Flour, or meal & three fold the Value thereof in money, one half to be given to any person or persons prosecuting to effect, the other half to be Converted to the use of this State, & this Council do hereby Recommend it to the Several Committees of Safety within this State to See this Resolve duly Observed, any one of whom is hereby Authorised to Seize, or on Complaint & application to Issue his Warrant to seize & Detain any such article before prohibited, & cause such person or persons to be examined & Tried as afore$^{sd.}$ This Resolve to Continue in force until the first Day of June next unless otherwise determined by the General Assembly of this State.

By order of Council, Thos$^{s}$· Chittenden, *P.*

Attest, Jos. Fay, *Sec'y*·

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In Council of Safety, 15$^{th}$ Jan$^{y}$· 1778.

This may Certify whom it may Concern that Deacon Azariah Rude[1]

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[1] Judging from charges against Mr. Rood, and judgments of the Council, he could not have been very highly esteemed as a deacon by his accusers. It should be remembered, however, that his patriotism was doubted and his accusers were zealous whigs who would naturally judge him harshly. The record shows that he respected the judgments against him and took the oath of fidelity. It may be added that he kept it faith-

having passed Examination before this Council and Voluntarily Taken the Oath of Fidelity to the United States of America, has liberty to pass from this to Rutland & repass on his Lawful business any where to the Southward of this State, his behaving as becometh a friend to this & the other States of America.

By order of Council, JOS. FAY, *Sec'y.*

*To all Concerned.*

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Resolved that Messrs. John Wood & Benjamin Fay be & are hereby appointed assistants to Capt. Samuel Robinson as overseers of Tories.

By order of Council, THOS. CHITTENDEN, *Pt.*

Attest, JOS. FAY, *Sec'y.*

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16 January 1778.

*To Reuben Sealey & the rest of the Heirs of Ephraim Sealey, late of Danby Dec^d^ :*

You are hereby Notified to appear before this Council on Thursday the 22^d^ Inst. to show cause (if any you have) why the real Estate of Ephraim Sealey aforesaid shall not be Confiscated to this State.

By order of Council, THOS. CHITTENDEN, *Pres't.*

Attest, JOS. FAY, *Sec'y.*

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BENNINGTON 17 January 1778.

Whereas the Council must Take a Considerable Part of their time from this date to prepare matters to be Laid before the General Assembly—And Whereas there has been for some time past and probably will in future many things be laid before this Council that are of a private nature which Intercepts & hinders them from pursuing the business they were principally appointed for by the Convention of this State, therefore Resolved that from this date until the 22^d^ of this Inst. January, & from the 5 of Feb^y^ until the 12^th^ day thereof, this Council will Attend on business of a Private nature, and at no other Time until the Sitting of the Assembly.

By order of Council, THOS. CHITTENDEN, *Pres't.*

The above Advertisement to be made public.

——17.——

*To Mr. Eli Roberts:*

You are hereby fully authorized & Impowered to take into your Custody all the moveable effects of David Remmington and Abner Wolcott, Except what Humanity requires for the support of s^d^ Wolcott's Family,

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fully. Deacon AZARIAH ROOD, of Lanesboro, Mass., was one of the three first settlers of Jericho in 1774, the first selectman chosen, and the chairman of the committee to hire the first candidate as clergyman. He died in 1795, leaving a son, THOMAS DARKELY ROOD, a model deacon, who left two sons, both clergymen of repute, Rev. HEMAN ROOD, D. D., head of the theological seminary at Gilmanton, N. H., and afterward clergyman at Hartford, Vt.; and Rev. ANSON ROOD, pastor for several years of a congregational church in Philadelphia, where he died.—See history of Jericho in *Vt. Hist. Mag.*, vol. I, pp. 829–832. The editor remembers one of these clergymen as principal of Washington county grammar school.

& also to seize & Lease out to some proper person the Real Estate of the aforesaid persons not Exceeding one year from next April. The moveable Estate you will Sell at Public Vandue or otherwise as you shall think best. You will out of the avails of the moveable Estate of Abner Wolcott supply his family with provition until further orders, the overplus of money after your Cost (if any be) you will return to the Treasurer of this State. You will keep a true & Just account of all that you Sell, & the price of what you expend for the use of the Family, any other Commissioners authority Notwithstanding in the State of Vermont.

By order of Council, THOS. CHITTENDEN, *Pres't.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 19 January 1778.

Whereas sundry Inconveniences have arose by reason of the Commissioners of Sequestration Interfering one with the other; therefore Resolved that no Commissioner of Sequestration for the future be allowed to Transact Bisiness for this State in any Town where there is a Commissioner appointed. And when any Commissioner has Transacted Bisiness before this date in any Town where there is a Commissioner now appointed, they are directed to Transfer their business done in s^d^ Town over to said Commissioner.

By order of Council, THOS. CHITTENDEN, *Pres't.*
Attest, JOSEPH FAY, *Sec'y.*

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BENNINGTON 20 January 1778.

This may Certify whom it may Concern that Thomas Tuttle having passed Examination before this Council that he appears to be a friend to the United States of America.

By order of Council, THOS. CHITTENDEN, *Pres't.*
Attest, JOSEPH FAY, *Sec'y.*

[Jan.] 20th. Permission is hereby granted to the bearer Alexander Gourdon to Transport 20 bushels Wheat & fifteen of Indian Corn out of this State agreeable to a former Contract (certified on Oath) made previous to the Resolve of Council Laying an Embargo on Wheat, &c.

By order of Council, THOS. CHITTENDEN, *Pres't.*

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[Jan.] 21. This Council having Taken into Consideration the Complaint of Witherel Wittum against William Wheeler, & having heard the Several Evidences relative to the case, of opinion that William Wheeler pay Witherel Wittum two pounds sixteen shillings Lawful Money, which is the demands of the Execution against Wittum for cost, &c. & pay the cost of suit ammount to £2 12 0 L. Money.

By order of Council, THOS. CHITTENDEN, *Pres't.*
Attest, JOSEPH FAY, *Sec'y.*

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IN COUNCIL, Bennington 22 Jan^y^ 1778.

*To M^r^ Bottom of Shaftsbury:*

*Sir*,—You will please to Deliver Christopher Roberts three sheep which you have in your Custody, supposed to be the property of this State, his paying your reasonable Charges for their Keeping, &c.

By order of Council, THOS. CHITTENDEN, *Pres't.*

Benjamin Eastman is permitted to return from this to Arlington & their remain until further orders.

By order of Council, THOS. CHITTENDEN, *Pres't.*
*To all Concerned.*

*To John Reynolds:*

*Sir*,—Please to deliver to Mr. Christopher Roberts one sheep which you have in your Custody supposed to be the property of this State, his paying your reasonable Charges for keeping, &c.

By order of Council, THOMAS CHITTENDEN, *Pres't.*

[Jan.] 22. Permission is hereby given to the bearer Arad Ivril[1] to Transport five hundred W^t of Flour out of this State agreeable to a former Contract (certified under Oath) made previous to the Resolve of the Council Laying an Embargo on Wheat, &c.

By order of Council, THO^S. CHITTENDEN, *Pres^t.*

*To all Concerned.*

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IN COUNCIL, Bennington 23 January 1778.

Whereas Repeated applications have been & are like to be made to this Council by the Tories now in this place destined to hard Labor for permits to go to their homes by which means this Council is much Obstructed in their more immeadiate & necessary business, to [prevent] such inconveniences in future,

Resolved that Captain Samuel Robinson & his assistants be hereby Authorized to permit the Several Tories of the First Class to go home for a necessary Limited Time (at their discretion of the said Robinson & his assistants,) on Extraordinary Occasions, as in case of sickness, & distress of their Families, &c.

By order of Council, THO^S. CHITTENDEN, *Pres't.*

Attest, JOSEPH FAY, *Sec'y.*

The above sent to Capt. Samuel Robinson.

23d. This Council are of opinion that John McNeil has been under Confinement 15 days Contrary to the True intent of the Committee before whom he had his Tryal & as he appears to be out of Health you have therefore Liberty to give him a pass to go home & remain there unmolested 15 days.

By order of Council, THOM^S. CHITTENDEN, *Pres't.*

*Captain Sam^l. Robinson.*

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STATE OF VERMONT. IN COUNCIL, Bennington 24 January 1778.

Whereas it has been Represented to this Council, that divers persons (to the great disadvantage of this State) have bought & sold to the Inhabitants in small quantities, & at Exhorbitant prices, (& Continue so to do) certain Spirituous Liquors, whereby drunkenness, Idleness, Quarrels, &c. &c. is promoted among us, which Evil to prevent in future, have thought fit and do hereby Resolve that the Committees of Safety, Selectmen, & Constables of Each Town within this State, shall meet Together at some convenient place within each respective Town on the second day of March Next, & Nominate by their Major Vote a Sufficient number of suitable persons to keep houses of public Entertainment for Travellers for the year Ensuing, or until otherwise ordered by the General Assembly of this State, & return their Names to this Council, or to any two of the members thereof, who are hereby fully Authorized and Impowered to Grant License for that purpose Taking one Dollar or six shillings as a fee for the Same.

Further Resolved that if any person or persons within this State not Licensed as above shall after the 30 day of March next presume directly

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[1] Probably Avrill or Averill, of Sunderland.

or indirectly to sell any kind of Spirituous Liquors, in any less Quantity than one Quart, nor any quantity to be Drank in or about his, her, or their house or houses, for any such offence being thereof duly convicted before three of the Committee men of the Town where such offence is Committed, (who are hereby fully authorized and impowered to hear and Determine the same,) shall forfeit & pay the sum of Six pounds Lawful Money, the one half to be applied for the use of the Town where such offence is committed, and the other half to be given to the person Complaining & prosecuting to effect.

By order of Council, THOS. CHITTENDEN, *Pre't.*
Attest, JOSEPH FAY, *Sec'y.*

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IN COUNCIL, Bennington 24 January 1778.

Permission is hereby Given to the Bearer hereof, Mr. David Safford,to Transport two Thousand Wt. of flour out of this State, agreeable to a former Contract made previous to the Resolve of Council (Certified on Oath) Laying an Embargo on Wheat, &c.

By order of Council, THOMAS CHITTENDEN, *Pres't.*
*To whom it may Concern.*

24. *Resolved* that Captain [Zadock] Averis be directed to Employ Abner Wolcott in the Service of the Continent while necessary, unless otherwise ordered by this Council, & that Capt. Averis make return of said Wolcott & his doings to this Council.[1]

By order thereof, MOSES ROBINSON, *P. P. Tem.*

24. Permission is hereby given to Abner Wolcott to pass from this place to Skeensboro to join Capt. Zadock Averis.

pr. Order of Council, MOSES ROBINSON, *P. P. Tem.*

24. Resolved that this Council will give a bounty of Ten dollars for the Encouragement of Raising three hundred men under the Command of Lt. Col. Herrick to each Non-Commissioned officer or Soldier who shall inlist for a Certain Expedition to [Canada] now on foot.

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IN COUNCIL, Bennington, 28 Jany. 1778.

This day passed an order & directed the same to Capt Saml. Robinson overseer of Tories or either of his assistants to Take under their direc-

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[1] The editor supposes this to be ZADOCK EVEREST, though the biographical notice of him in the *Vt. Hist. Mag.* gives him no military title. His special business at the above date and afterward appears to have been to look after inimical persons. ZADOCK EVEREST came from Connecticut into Addison in 1765, with two others, who were the first Englishmen who settled in that town. He opened the first public house in Addison county, but was forced to leave it on Burgoyne's invasion in 1777, going to Pawlet and remaining until 1784, when he returned to Addison. He represented Pawlet in the first General Assembly, March 1778; Panton in 1785; and Addison in 1788, '89 and '95. BENJAMIN EVEREST of Addison, whose military exploits and adventures form a long and interesting chapter, was a brother of Zadock.—See *Vt. Hist. Mag.*, vol. I, p. 10.

tion & immediately Employ Thomas Brayton & Enter him in the first Class agreeable to the direction of the Committee of Clarendon.

By order of Council, THOS. CHITTENDEN, *P.*

*To Capt. Samuel Robinson or either of his assistant overseers.*

29 Janʸ.

Whereas reports to the prejudice of the Rangers & others have circulated among the people, & have also been made to this Council, that great injustice have been done to the Inhabitants by them, they having plundered them contrary to Express orders and designs of this Council, and Whereas some of the officers [of the] Rangers have moved that a Trial be Indulged them that thereby their characters may be established and Blame fall only on the Guilty (if any there be,)

Therefore Resolved that all persons be & they are hereby Notified to bring information or evidence to this Council of the effects plundered or Taken from them, & by whom, or what party, Attested on Oath before the Chairman of any Committee of Safety, the 25 day of February next, & all persons Neglecting to Exhibit their Complaints on the above said day, shall be forever foreclosed bringing in such Complaints, & Reports to the prejudice of any officer or Soldier, or any other persons relating to the premises, shall not be noticed but Treated as Scandalous Libels. Provided Always that nothing in this Resolve be construed that any Complaint against any person for plundering that shall be found out after the 25 day of Febʸ. next be Excluded.

By order of Council, THOS. CHITTENDEN, *Pʳᵗ.*

Attest, JOSEPH FAY, *Secʳʸ.*

29. The bearer Lᵗ Whiᵗe is permitted to Carry Wheat out of this State that is due to him on a Certain subscription for Clearing a Road, to the amᵗ of 20 bushels.

By order of Council, THOMAS CHITTENDEN, *P.*

*To whom it may Concern.*

30. This day Major Jeremiah Clark is permitted to Transport nine bushels of wheat out of this State.

By order of Council, THOMAS CHITTENDEN, *P.*

*To whom it may Concern.*

January 30th 1778.

*To Capt. Elkanah Cook:*

You are hereby directed to let the Heirs of John Curtis improve the farm formerly belonging to him during the Life of said Curtisˢ wife, their giving sufficient bonds to Maintain the said John Curtisˢ wife during her Life.

By order of Council, THOS. CHITTENDEN, *Preʳᵗ.*

*To Capt. Elkanah Cook.*

BENNINGTON, 30th Jan. 1778.

Mʳˢ. Munro is hereby Permitted to remain in possession of the House & farm formerly the possession of her husband (John Munro Esqʳ.) unmolested until further orders from this or some future Council or General Assembly of this State.

By order of Council, THOS. CHITTENDEN, *Preʳᵗ.*

*To whom it may Concern.*

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STATE OF VERMONT. IN COUNCIL, Bennington 31ᵗ Janʸ. 1778.

*Sir,*—You are hereby directed to dispose of the Grain belonging to this State to such of the Inhabitants as have been drove from their

farms, &c. by the Enemy (as they may apply to you) at the Common Price which is for Wheat 3 Dollars p$^{r}$ bushel. You will reserve all Spring Grain for Seed.

I am Sir by order &c. JOSEPH FAY, *Sec'y.*

*Michael Dunning Esq$^{r}$., Pownal.*

BENNINGTON, 31 January 1778.

*Dear General,*—I am directed by this Council to inform your honor, that application has been made to this Council by Col$^{o}$. Herrick for a Sum of Money to assist him in Raising three hundred Troops for a Certain Expedition upon which a Bounty upon Each man he should obtain was Granted, after which application was made for Recruiting Money for the officers which was not fully Complied with, [on account of] which No Doubt your honor has been informed, that Col$^{o}$ Herrick is like to disappoint you in your request to him. Being Concerned that the Expedition to this State is of the Utmost importance (could it be performed,) would acquaint your honor, that on the least application made by you to this Council, any number of Troops possible to be raised shall be at your Command. Desire your honor would favor this Board with the particular Method in which the State of N. Hampshire raises their Troops for this Expedition, as also the Encouragement provided by the Continent. Yesterday Rec$^{d}$ Certain Intelligence that the Lake is Closed with Ice.

I am Sir with Sentiments
of Esteem (by order of Council)
your most Ob$^{t}$ Hum$^{ble}$ Servant,
THO$^{s}$ CHITTENDEN, *Pres$^{t}$.*

*Hon$^{ble}$ Brig$^{r}$ Gen$^{l}$ Stark.*

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IN COUNCIL, Bennington 2$^{d}$ Feb. 1778.

Whereas Andrew Hawley of Arlington has been had before this Council for Enimical Conduct towards the United States of America, & has made Satisfaction for such public Offence, Nevertheless it is not ment to Excuse him from making restitution for any Injury done any private persons, but it ought to be made to appear that such injury be done by [his] own person or otherwise by his own actual procurement.

I am Gentlemen yr. most Ob$^{t}$ Hum$^{ble}$ Serv$^{t}$.
By order, JOSEPH FAY, *Sec'y.*

*To the Gentlemen sitting on Arbitration on a dispute between W$^{m}$. Searls & Andrew Hawley.*

Feb. 2.—L$^{t}$ William Hutchins is permitted to Transport 4 bushels Wheat out of this State.

By order of Council, JOSEPH FAY, *Sec'y.*

*To all Concerned.*

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IN COUNCIL, 3$^{d}$ Feb$^{y}$ 1778.

*Sir,*—You are hereby directed to Lease that part of the Farm formerly improved by Capt. Hard of Arlington (now Claimed by his wife) to Jacob Galusha except 5 acres of plow Land & 5 of fallow, which M$^{r}$. Butterfield is to have, said Galusha Entering into Bonds for the Support & Maintainance of Capt. Hard's Family during the Time he improves s$^{d}$ Farm.

By order of Council, THO$^{s}$ CHITTENDEN, *Pres't.*

*Capt. John Fassett Ju$^{r}$., C. S.*

In Council, Bennington 3d February 1778.

This Council do hereby Permit the Bearer Elnathan Murwin to Inventory his Brother Israel Murwin's Estate (late Decd) & settle the Same keeping a Regular account, to Exhibit to this Council whenever demanded.

By order of Council, Thomas Chittenden, *Prest.*
Attest, Joseph Fay, *Sec'y.*

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In Council, 4 Feby 1778.

*Orders to the several Colonels of Militia as follows viz$^{t}$ :*

*Sir*—You are hereby required to return to this Council on or before thursday the 12 day of March next, the number of Male Inhabitants Included within the Limits of your Regiment from the age of sixteen to sixty years of age of what Denomination soever (Ministers of the Gospel excepted,) as also the names of the Commissioned officers of Each Company.

By order of Council, T. Chittenden, *Pr.*

*Colo. Moses Robinson.*
*do. Timothy Brownson.*
*do. James Mead.*
*do. Joseph Marsh.*
*do. Peter Olcott.*
*do. William Williams.*[1]

Attest, Joseph Fay, *Sec'y.*

In Council, Bennington 4 January [February] 1778.

The Bearer Jesse Welder[2] having this day taken the Oath of Allegiance to the United States of America, is permitted to pass to his home in St. Albans within this State & there to remain unmolested until further orders from this Council.

By Order of Council, Joseph Fay, *Sec'y.*
*To whom it may Concern.*

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In Council, Bennington 6 Feby. 1778.

*Sir*,—You will examine into the proof of Capt. Fitchs giving the refusal of the house (formerly the property of Benjamin Holt[3]) to Mr. Imus, & if you find to your satisfaction he had the Refusal previous to your appointment you will make the Engagement good. You will give him a Reasonable time to procure his Evidence.

By order of Council, Joseph Fay, *Sec'y.*
*Capt. John Fassett, [Jr.,] C. Sequestn.*

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[1] This order indicates six regiments of militia at that date, of which respectively these gentlemen were Colonels.

[2] Unquestionably Jesse Welden, the first settler in St. Albans. L. L. Dutcher says Mr. Welden was driven off during the revolutionary war; that he is said to have been taken a prisoner by the British and escaped; and that he returned to St. Albans in 1785. The above record indicates that he intended to return in the winter of 1778, at least temporarily.—See *Vt. Hist. Mag.* vol. II, p. 290.

[3] Benjamin Holt of Arlington had doubtless joined the enemy previous to this date, for which his property had been confiscated. Later he was under the ban of the act of Feb. 26, 1779.

[6] *Sir*,—You are hereby Required to liberate John Mattisson who is in the 3d Class, under your Command, until further orders from this Council.

By order of Council, JOSEPH FAY, *Sec'y.*

*Capt. Robinson, Overseer of Tories.*

STATE OF VERMONT. IN COUNCIL OF SAFETY,
Bennington 6th Feby. 1778.

*To the inhabitants of the State of Vermont:*

*Gentlemen*,—The United & joint Representatives of this State in their General Convention held at Windsor, & on the Several Times afterwards by Adjournments, did on the 2d [8th] day of July last Compose & agree Unanimously on a Constitution for the future Government & Mutual advantage of its Inhabitants. It was then proposed by the joint agreement of the said Representatives that such Constitution should be printed so as to have had them circulated among the Inhabitants seasonably to have had the General Election of Representatives to Compose the General Assembly in December last, who (by agreement) was to have met at Bennington within this State in the month of January last, but finding by repeated experience that the Troubles of the War and Encroachments of the Enemy would of Necessity render it impossible, this Council did think fit to again call on the members of the General Convention to meet, who accordingly met at Windsor on the 24 day of December last, & did Unanimously agree to postpone the day of Election until the first Tuesday of March next, & the Setting of the Assembly to be at Windsor, on the 2d Thursday of March next. The Constitution is now printed & will be distributed among the Inhabitants of the several Towns in this State, so early that they may be perused before the day of Election, which this Council hope will Sufficiently Recommend the most safe & just Method of Choosing of Representatives to compose the General Assembly. Nothing but a real zeal for the future well being of the Inhabitants of the United States of America in General & this in particular could have induced this Council to have undertaken the arduous Task of Setting so many Months successively to provide for the Safety of its Inhabitants. They therefore Flatter themselves that their Services will meet the approbation of their Employers. The Council are fully of the opinion, that nothing but [the want of] a firm Attachment & joint Connection of the Inhabitants of this State can frustrate or prevent their being what they so reasonably wish to be.

I am Gentlemen (by order of Council)
your most Obedient Humble Servant,

THOMAS CHITTENDEN, *Pres't.*

BENNINGTON, 6 February 1778.

Resolved that three men be appointed as a Committee to repair to Moncton [Monkton] when applied to by Lt. Barnabas Barnum,[1] & there to hear and Determine the Cases of any & every person who shall be brought before them for Enimical Conduct Towards the United States, & that Captain Zebulon Mead, Mr. Joseph Smith, & Mr. Joseph Jackson be the said Committee.

By order of Council, THOMAS CHITTENDEN, *Pres't.*

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[1] BARNABAS BARNUM was one of the first settlers in Monkton. He was killed in the fight at the block-house in Shelburne, March 12, 1778.—See *Vt. Hist. Mag.*, vol. I, pp. 65, 66, 878.

IN COUNCIL, 6 Feb. 1778.

Resolved that if either of the persons appointed as a Committee to go to Moncton Refuse to Serve that the other Two of them appoint another in his Sted.

By order of Council, THOMAS CHITTENDEN, *P.*

STATE OF VERMONT. Bennington, February 7 1778.
IN COUNCIL, date above.

*Gentlemen*,—Your request for this Councils Assistance in Guarding the Frontiers of this State has this moment come to hand. The Council have Taken the same into consideration, & in consequence have ordered one hundred men to be Immeadiately raised & properly officered for that purpose who will March as soon as they can be possiably raised. It is expected the Inhabitants in your quarter will Turn out Freely on this Emergency. They will continue five weeks in service unless sooner discharged. It is proposed that Captain Gideon Warren Command this detachment. Provisions will be forwarded from Time to Time for Subsistence of the troops, as also ammunition. The Council send you Ten pounds of Powder, & cannot furnish any Lead for others than the troops to be Engaged in the aforesaid Service.

I am Gentlemen your most
Humble Servant,

By order of Council, JOSEPH FAY, *Sec'y.*

*Joseph Smith, Esq^r.*[1]

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STATE OF VERMONT, Bennington 7 Feb^y. 1778.

*Sir*,—You are hereby Commanded to appoint one Lieutenant & see him furnished with fifteen men to join Captain Warren or the Commander that may hereafter be appointed to command the party to Guard the Frontier settlements on Lake Champlain.

By order of Council, JONAS FAY, *V. Pres^t. of Council.*

*To Col^o. James Mead.*[2]

IN COUNCIL, Bennington 7 Feb^y. 1778.

*Gentlemen*,—This Council desire you to settle your acct. with them Immediately, relative to your Transactions in the Capacity of Commissioners of Sequestration, as them matters must be forthwith Settled.

I am Gentlemen your Hum^ble Servant,

By order of Council, JOSEPH FAY, *Sec'y.*

*Capt. Joseph Smith &*
*Capt. Elkanah Cook.*

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[1] JOSEPH SMITH of Clarendon, who was a delegate in the Convention at Windsor of June 4, 1777, and a representative in the General Assembly in 1780 and '81.

[2] Col. JAMES MEAD of Rutland was a member of the Dorset Convention of Sept. 25, 1776, and one of the Committees appointed by the Windsor Convention in June 1777 to arrange with the commander at Ticonderoga for the defense of the frontiers. He was Colonel of the third regiment of the militia in the order in which they stood at the date of the above.

STATE OF VERMONT. IN COUNCIL OF SAFETY, }
Bennington, 9 Feb$^{y}$· 1778. }

*Sir*,—Yours of yesterday date is now before this Council. They have duly diliberated on your several requests contained therein, & in consequence have resolved to furnish three hundred effective men out of this State exclusive of officers, who it is Expected will Engage as Volunteers to Serve in the Northern Intended Expedition, who are to continue in Service until the last day of April next unless sooner discharged by the Commanding Officer of said Expedition. It is Expected they will be Entitled to such Encouragement as is Allowed the Volunteers of other States, and as it is improbable that men are provided with necessaries to March as soon as the first day of March next, this Council thinks it will be necessary that provisions be made out of the public Store for such as may be unprovided with shoes, stockins & Blankets ; as it is proposed to raise the men out of the Troops who served the last Campaign from this State, the pay for such service (for which Col$^{o}$· Herrick has the Generals Warrent) would Greatly Facilitate the immediate Collection of the men. Every Exertion in the power of this Council will be used to complete the Troops sooner than mentioned above, [of] which, if Effected Seasonably, notice will be given to the Commanding officer. Twenty five Sleighs will be provided for the use of the Expedition & Every assistance in the power of this Council afforded the Quarter Master in Collecting Hay, Provision and Transporting flour, &c.

I am Sir your most Ob$^{t}$ Hum$^{ble}$ Servant,
By order of Council, THOS. CHITTENDEN, *P.*
*Col$^{o}$· Hay.*[1]

STATE OF VERMONT. Bennington 9 Feb$^{y}$ 1778. }
IN COUNCIL, date above. }

*Sir*, – Your Letter forwarded by Col$^{o}$· Hay dated Albany 7$^{t}$ Inst came to hand last Evening, in which I am informed of an Expedition proposed to the Northward. You also requested of this State to Engage all the Volunteers Possible to join the Army on this Expedition. I called together the Council & Committee of this Town & have laid your letter before them. In consequence of which they have Resolved to raise three

[1] Jan. 9 1777 the Continental Congress resolved that UDNEY HAY, Esq., be appointed a licutenant-colonel by brevet and assistant deputy quarter master-general, and stationed at Ticonderoga.—*Journals of Congress*, 1777–78, vol. III, p. 10. Dec. 3, 1777, brigadier general JOHN STARK was appointed by Congress to command a secret expedition during the winter season, having specially in view the destruction of the enemy's shipping at St. Johns, or elsewhere, on Lake Champlain. About the same time an "irruption into Canada" was determined upon, under the command of the Marquis de Lafayette. Feb. 2, 1778, major general M$^{c}$ Dougal was selected to accompany Lafayette, and the baron de Kalb in case M$^{c}$ Dougal's health would not permit him to go. Six French gentlemen were also appointed to act as officers of such Canadians as might be embodied in Canada. It was to aid in these plans that Vermont was requested to raise, and the Council of Safety did promptly proceed to raise, a military force early in 1778. On the 13th of March, 1778, Congress resolved to abandon the scheme, and notice was given accordingly.—*Secret Journals of Congress*, 1775–'81, vol. I, pp. 55–65.

hundred men exclusive of officers, to be ready to March with all possible Expedition, to Wait orders from the Commander in chief, to remain in service until the last day of April next unless sooner discharged, provided a proper encouragement can be had from the Hon^ble^ Continental Congress to carry the above Resolve into execution. You will please to inform me the particular encouragement which may be depended on from Congress for Raising men for the above mentioned Expedition as soon as possible, during which Time, you may be assured, nothing in the power of this Council will be Wanting to have the men in Readiness. Col^o^· Hay will be able to inform the particular Circumstances & disadvantages the Inhabitants of this State are under, from their being drove from their possessions by the Enemy, as also the answer made by Council to Col^o^· Hays several requests to them relative to the before mentioned Expedition.

I am Sir (by order of Council)
your most obd^t^ Humble Servant,
THOMAS CHITTENDEN, *P.*

*Col^o^· Moses Hazen.*[1]

STATE OF VERMONT. IN COUNCIL OF SAFETY, Bennington 9^th^ Feb^y^· 1778.

*Sir*,—You are hereby directed (with the assistance of the other Gentlemen of the Committee of Safety for this town,) to Take under your Consideration the Case depending between Samuel Robinson, Overseer

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[1] Brig. Gen. MOSES HAZEN, at the opening of the Revolutionary War, was a resident of Canada, drawing from Great Britain the half pay of a captain for previous military service. Gen. Montgomery, in his Canada campaign, used a considerable portion of Hazen's property for military purposes, and Hazen promptly applied to the Continental Congress for compensation. This application resulted in an arrangement by which he was to be paid for his property, receive an equivalent for the half pay he would forfeit, and enter the continental service as colonel of a regiment which he was to raise in Canada. He raised the regiment, but of course, in the retreat in 1776, he was obliged to leave Canada with such of his regiment—a remnant probably—as were disposed to adhere to his fortunes. From that period his regiment was independent of any State connection, under the control of Congress solely, and Hazen was authorized to recruit wherever he could find men to enlist. Finally, his regiment was selected by Congress to receive all foreigners who were willing to serve. Hazen served through the war in different fields of service, and he was made Brigadier General by brevet, June 2, 1781. His name has been familiar in Vermont since 1779, for his work in completing the military road which is still known as "the Hazen road." Gen. Bayley of Newbury commenced it in 1776, and in 1779 Hazen continued it from Peacham through Cabot, Walden, Hardwick, Greensboro', Craftsbury, Albany, and Lowell, and erected several block-houses—a road about fifty miles in length. It was designed, professedly, to extend to St. Johns in Canada, but was abandoned in the forest at "Hazen's Notch," near the line of Montgomery.

of Tories, in behalf of David Goffs wife, & John Potter, and to award Judgement thereon according to Justice & Equity.

By order of Council, THOMAS CHITTENDEN, *Pres't.*

*Elnathan Hubble,* [*Hubbell,*] *Esq^r. Chairman of Committee of Safety in Bennington.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY, 10th Feb^y. 1778.

*Sir,*—On application of Col^o. Moses Hazen Commander in Chief of the Continental Troops at Albany, this Council have this day resolved to raise three hundred Volunteers within this State under the command of Samuel Herrick, Esq^r. L^t. Colonel Commandant, to Continue in Service of the Free and Independent States of America until the last day of April unless sooner discharged. To Each able bodied effective Volunteer thus engaged in this Glorious Cause for the defence of his Life and Liberty, you shall be enabled by this Council to give as an Encouragement a bounty of Ten dollars, on or before the Time you shall receive orders from this Council to March them from their respective homes. They will also be entitled to such other Encouragement by Wages, plunder &c., as is allowed the Volunteers from the other free & Independent States of America.

This Expedition is set on foot by the Honorable Continental Congress & should any who nobly engage in this Glorious Enterprise be so unfortunate as not to have it in their power to furnish themselves seasonably with the necessary articles of shoes, stockins, or Blankets, there is Encouragement that they may be supplied out of the Continental Store by applying there. As it is expected that a Respectable body of Continental Troops will be employed in Conjunction with the Volunteers from this & the Neighbouring States, sufficient to penetrate into Canada and thereby frustrate any designs the enemy may have in a future Campaign of approaching this Country, and as this State is particularly exposed by its Contiguous Situation to them to be first ravaged unless some such effectual means shall be successful to prevent their Invasions, Therefore this Council flatter themselves, that no further arguments [need] be used to induce every well wisher to the Freedom & Liberty of himself & Injured Country vigorously to exert every Nerve on this most important Occasion. I am Sir by order of Council your

Copies of the foregoing Letter sent to the several Captains on the East side the Green Mountains.

most Obedient Hum^ble Servant,
THOMAS CHITTENDEN, *President.*
Attest, JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. IN COUNCIL OF SAFETY,
Bennington 10 Feb^y. 1778.

*Sir,*—This Council have, on application of Colonel Hazen Commander in Chief of the Continental Troops at Albany, Resolved to raise three hundred Volunteers within this State to assist to Carry into Execution a plan proposed by the Hon^ble Continental Congress for penetrating into the Province of Quebeck. Each Volunteer within this State, who may Engage in this enterprise, is Intitled to receive Ten Dollars Bounty as an encouragement before he Marches besides the encouragement by Wages, plunder &c., as Allowed the Volunteers from the other free & Independent States of America. They have also Resolved to give Col^o. Herrick, yourself with the other officers who served under you as Rangers the last Campaign, the offer of Recruiting the said three hundred men & Commanding them in S^d expedition until the last day of April next unless sooner discharged. Col^o. Herrick is not at home at present, but

will be applied to on his return. Each Recruiting officer will be allowed one dollar for Each Volunteer ; Warrants are sent to the Captains on the East side the Mountains, with instructions for Recruiting. It is hoped the men will be ready to March by the first of next Month. You will please to Let the Council know immediately wheather you except.

I am Sir your most Obt hum. Servant,

By order of Council, JOSEPH FAY, *Sec'y.*

*Major Benja. Wait.*

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IN COUNCIL, Bennington 10th Febr 1778.

This Council having Taken under their Consideration the Complaint made to this Council by Captain Zadock Averis [Everest] in behalf of the United States against John Gail for Enimical Conduct [against] the United States of America, having Examined the Evidence, & every attending Circumstance relative thereto, and after seriously deliberating thereon, do Judge and order that the said John Gail pay thirty pounds Lawful Money as a fine for the use of this State, and pay all reasonable Charges of suit & stand Committed until this Judgement be Complied with : Cost Taxed at £16 8 0.

By order of Council, THOS. CHITTENDEN, *Prest.*

Attest, JOS. FAY, *Sec'y.*

Feb. 11th Recd the Cost of this above suit £16 8 0 & £21 14 0 on the above Judgt. pr J. FAY, *Sec'y.*

£8 6 0 Recd by me, THOS. CHITTENDEN.

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IN COUNCIL, Bennington 10 February 1778.

This Council having Taken into Consideretion the particular Circumstances relative to the Estate of Ephraim Sealey Late of Danby Decd who was Confined for Enimical Conduct against the United States of America & after Examining the particular Circumstances relative thereto, do Judge and order that the said Estate be not Confiscated, the Heirs of the sd Sealey dispensing with what Loss the Estate met with before his Death. By order of Council, THOMAS CHITTENDEN, *P.*

Attest, JOSEPH FAY, *Sec'y.*

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IN COUNCIL, 10th Feb. 1778.

The bearer John Gail is permitted to pass to his home in Addisson having Voluntarily Taken the Oath of Fidelity to the United States of America. By order of Council, JOS. FAY, *Sec'y.*

*To whom it may Concern.*

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IN COUNCIL, Bennington 10th Febr 1778.

*Sir*,—Inclosed you have a Warrent to Engage fifty able bodied and effective men to Serve in an Expedition to Canada, Together with two Warrents for two Lieutenants & blanks left for their names. You are hereby directed to give your former Lieutenants the offer of them. Should any thing prevent their serving in this Campaign you will appoint others & enter their names in the blanks. You will take particular care to appoint men of Honor & varasity, & such as be most Likely to raise their quoto of men. You will do all in your power to have your

Company raised with all Possible Expedition not to Exceed the first day of March next.

I am Sir your Humble Servant,

THOMAS CHITTENDEN, *Pres't.*

*Capt. Ebenezer Wood.*[1]

(10th.)

This Council having Taken under their Consideration the request made by Capt. Peleg Sunderland relative to the Guns found at Hughbarton, [Hubbardton,] & Resolve that the Case be referred to the General Assembly at their next Term in March next.

By order of Council, THOS. CHITTENDEN, *Pres't.*

Attest, JOS. FAY, *Sec'y.*

IN COUNCIL, Bennington, 10th Feby. 1778. Copy.

Whereas application has been made to this Council by Colonel Moses Hazen, Commanding the Continental Troops at Albany in the Northern Department, to raise as many Volunteers as possible in the Power of this State, to serve in an Expedition to Canada, in consequence of which this Council have this day Resolved to raise three hundred Volunteers within this State, to be in a Regiment Commanded [by] Samuel Herrick Esqr. Lt. Colonel Commandant, to Continue in Service until the last day of April next; Further Resolved, that Major Benja. Wait be & he is hereby appointed Major to said Regiment, & that Captains Ebenezer Allen, Jesse Sawyer, Parmely Allen, Ebenezer Wood, —— Boyden, & Abner Sealey, be and they are hereby appointed to be Captains in Colonel Samuel Herricks Regiment, & the Subalterns that Served under the before Mentioned Captains, in the last campaign, have the offer of Serving again, & should any of them not Serve, the Captains hereby directed to appoint such others as will be most Likely to Recruit their quoto of men. Particular care is to be Taken to appoint men of honor & varacity. Further Resolved that a premium of one Dollar be Granted by this Council to the officers for every able bodied effective man they shall enlist for the before mentioned Expedition, & that a bounty of 10 Dollars be given to each non Commissioned officer & soldier that shall so engage, to be paid them before they March.

By order of Council, THOMAS CHITTENDEN, *Pre't.*

Attest, JOSEPH FAY, *Sec'y.*

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BENNINGTON 12 Feby. 1778.
STATE OF VERMONT. IN COUNCIL date above.

*Sir*,—I understand you have given Isaac Ives encouragement of Living in your House or his family which is not agreeable to this Council. Capt. Putnam wants the same priviledge for his family. If you can oblige him with the same priviledge it may be as much for your benefit, and perhaps give better Satisfaction to your Neighbours.

By order of Council, THOMAS CHITTENDEN, *Pre't.*

*To Mr. James Breakenridge.*

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[1] EBENEZER WOOD was among the first settlers of Bennington, and 3d sergeant in the first military company there in 1764. In Feb. 1778 he was appointed one of the captains in the intended secret expedition under Stark. To him, as colonel, and his associates, the township of Woodbury was granted, and it was named for him.—See *Memorials of a Century, Bennington*, p. 233; and *Vt. Hist. Mag.*, vol. I, p. 143.

BENNINGTON 15 Feby. 1778.

*Dear Sir*,—This Council is informed your honor is about to undertake the Tedious journey from Albany to your Family ; I am directed to inform you that they are extreamly happy to hear your honor has a favourable prospect of Recovering your Health after so long & Tedious a Confinement, & that your Broken Limb is so likely to be in perfect shape as well as Sound, from which it is sincearely hoped your future Service may be found useful to the public & meet with its former Satisfaction, which was universal by every friend & well wisher to the United States of America. You have the Good wishes of the Inhabitauts of this Country for your safe arrival home to your Family in expectation that in due time you will be Enabled to return to this part of the Continent Commander in Chief, under whose wise direction they will think themselves in perfect Security. May the blessings of Heaven rest on you & kind Providence Guard you safe thro the long & Tedious Road to your family, & may you Live long a Blessing to them & your Country.

I am Dear Sir with the Councils best
Compliments to your honor, your honor's
most Obt. & Humble Servant,
By order of Council, THOS. CHITTENDEN, *Pres't.*

*The Honble Majr Genl B. Lincoln.*

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(Feb. 16.)

John Potter is permitted to Transport Twenty bushels Wheat out of this State. By order of Council, JOSEPH FAY, *Sec'y.*

*To all Concerned.*

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BENNINGTON 15 Feby. 1778.

*Sir*,—Inclosed you have a Copy of the Report of the Committee of Safety at Addison, by which you will note the little Scout sent down the Lake by order of Brigadier General Stark is Taken prisoners by the enemy. Sir I am directed to inform you that this Council is of opinion that it is of the utmost importance that a Guard be sent to take possession of some proper post on Lake Champlain for the purpose of securing the Hay & Forage Provided there for the use of the Army which at present is in the power of the Enemy. Should it be distroyed it might prove very detrimental to the Northern Expedition. Nothing Material has Transpired except the above since Colo. Hay left this place. Every Exertion possible in the power of this Council is making to forward the Northern Expedition. Should be glad to hear from you as Soon as possible. I am Sir (by Order of Council,)
your Obt. Humble Servant,
THOMAS CHITTENDEN *P.*

*Colo. Hazen or Officer Commanding at Albany.*

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IN COUNCIL, Bennington 17 Feby. 1778.

*Sir*,—Whereas Complaint is made to this Council, by Deacon John Burnap, that Moses Olmsted, Jabez Olmsted & —— Owen of Pittsford did in December last Take from him about Twelve hundred weight of Iron which is detained from him, he therefore desires of this Council that they would direct him in what manner he may obtain his property again.

Therefore this Council Recommend to you to call together the members of the several Committees in Rutland & the Neighbouring Towns to

the number of five to Judge & Determine the case depending the above parties, according to Justice & Equity.

By order of Council, THOS. CHITTENDEN, *Pre't.*

*To Capt. Joseph Bowker.*

STATE OF VERMONT. Bennington 17 Feby. 1778.
IN COUNCIL OF SAFETY, date above.

*Dear Sir*,—I am directed by Council to inform you that the Core of ranging officers who served the last Campaign under the Command of Colo. Saml. Herrick have accepted the Encouragement offered by Council for Recruiting three hundred Volunteers within this State in an Expedition intended to be made into Canada immediately, which is a bounty of Ten dollars to each such Volunteer besides the Encouragement by Wages, plunder &c., as Allowed by the Honble the Continental Congress to the Volunteers of the free and Independent States of America, who are to act in conjunction with a respectable body of Continental Troops ordered by Congress for the said expedition. The men are to continue in service until the last day of April next unless sooner discharged. You will please to apply to the officers the East side the mountain who served in your core last campaign, & in case any Captain shall decline you are to appoint some Gentlemen of honor & Courage who did not serve in your core, that the Rank of the old Subalterns may be kept intire, as no officer of the core is to Rank otherwise than last Campaign, & Capt. Sealey will have a different appointment.

The Council most Earnestly desire you to Exert yourself to the utmost of your Abilities to raise the Troops on this important occasion, as it is reasonabley expected the Companies on this side the mountain will be filled immediately.

As a Warrent has been sent [by] Ira Allen Esqr. to Joseph Boyden to Serve as a Captain in Colo. Herricks Regiment in Lieu of Capt. Goodnough (who declined,) & as it may happen that he may accept & be on the business of raising his Company, it will be Necessary that you have regard to his appointment in your proceedings. It is expected the officers will be Commissioned when their Companies are filled agreeable to the Honble Gen. Starks Appointment.

This Council sends you by Ebenezer Green (who will diliver this Letter) Five hundred & Twenty dollars which you are to divide equally between the three Captains on the east side of the mountain for the purpose of Recruiting their Comys.

I am &c., pr order, THOMAS CHITTENDEN, *Pres't.*

*Major Wait.*

STATE OF VERMONT. IN COUNCIL, Bennington 17th Feby. 1778.

*Dear Sir*,—The absolute Necessity of raising the three hundred Troops ordered by this Council with the utmost dispatch renders it of importance to Continue the junction of the several officers who served as Rangers within this State Last Campaign. They have accepted the Encouragement offered by Council for Raising the men, & that business is now going forward with alacrity. As only six companies are to be raised in Colo. Herricks Regiment, that [and] it is found Necessary those Companies be officered by those who served with him last Campaign—therefore it will be found inconvenient for you to Raise your Company agreeabe to the Requisition of this Council to serve in Colo. Herricks Regiment. Nevertheless the Council wd wish you to proceed as fast as possible to Compleat your Company for the Intended Expedition, & the Encouragements for raising them with the bounty to the men according

to your Instructions will be punctually paid you; should you not be joined to some Regiment to your Satisfaction to do duty with them for the Expedition, as it is proposed to raise several other independent Companies within this State you can do duty with them. The Council Send you one hundred and Seventy Dollars to Enable you to Recruit your Company, which is equal to what has been given the Captains of Col°. Herricks Regiment. Wishing you success & dispatch in Compleating your Company—

I am D^r. Sir your most Obedient Hum^ble Serv^t.

By order of Council, THOMAS CHITTENDEN, *P.*

*Capt. Abner Sealey.*

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18 Februar

Resolved that Major Heber Allen be & he is hereby appointed a Commissioner of Sequestration for the Towns of Poultney & Wells in this State, & a Warrent sent him for that purpose.

By order of Council, THO^S. CHITTENDEN, *Pre't.*

Attest, JOSEPH FAY, *Sec'y.*

(19.)

Stephen Herrick^s Permitted to Transport about Ten bushels wheat out of this State to Lansborough.

By order of Council, THO^S. CHITTENDEN, *Pre't.*

*To whom it Concerns.*

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IN COUNCIL, Bennington 21^t Feb^y 1778.

Resolved that M^r. Nathan Clark & M^r. Timothy Brownson be & they are hereby appointed a Committee to settle with M^r. W^m. Fitch Commissioner of Sequestration.

By order of Council, THO^S. CHITTENDEN, *Pr't.*

(23^d.)

Dilivered M^r. Gideon Olin a Commission of Sequestration.

By order of Council, THO^S. CHITTENDEN, *Pres't.*

Attested by JOSEPH FAY, *Sec'y.*

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Bennington, 24 Feb^y 1778.

STATE OF VERMONT. IN COUNCIL, date above.

*Sir*,—Your favour of yesterday's date p^r M^r Doolittle came to hand last evening; this Council have taken the Contents into consideration and are of opinion that your Committee have full power to Judge & Try the Cause, and order the same to be caryed into Execution against Moses Y. Olmsted in favour of L^t. Southerland, [Peleg Sunderland,] in case Olmsted on Examination shall be found Guilty of the accusation Laid against him. If Olmsted has Right of Action against Lotham [or Latham] or any other person, it must be at his own risque. He has right of Trial before the Civil Authority for an offence Committed by any soldier in Service on proper application.

I am Sir your Hum^ble Servant,

JOSEPH FAY, *Sec'y.*

*Major Clark.*[1]

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[1] Probably Maj. JEREMIAH CLARK of Shaftsbury, though Sunderland, the prosecuting party, was not a resident of that town. Possibly there was another Major Clark, though it is supposed that in the records of the Council that title belongs to Jeremiah Clark.

[Feb.] (25.)

*Sir*,—Whereas this Council is informed that the Intended Expedition to Canada is dropt, or Like to Fall through, you are hereby requested to desist raising any more soldiers for the above purpose on the Encouragement of a bounty of Ten dollars heretofore Granted by Council, until further orders.

By order of Council, THOS. CHITTENDEN, *Pres't.*

*To Capt. Isaac Clark*,[1] *& Lt. Bradley.*

STATE OF VERMONT. IN COUNCIL, Bennington 25 Feby. 1778.

*Sir*,—We have had Verbel information that the Intended Expedition to Canada is Stoped, you are therefore desired to give immeadiate orders to the Several officers appointed on the East side the Mountains for that purpose to desist from engaging any more men until further orders. The men that are already Engaged are wanted to defend the frontiers of this State. You will please to inquire wheather those engaged are willing to Take a Short Tour for that purpose. They will be Entitled to Ten Dollars pr. Month as Wages. You will give the Earliest information of the number willing to Engage. You will not advance any more money till further orders.

I am Sir your Humble Servant,

By order of Council, JOSEPH FAY, *Sec'y.*

*Majr Benja. Wait.*

February 25 1778.

*Sir*,—You are hereby required to Call the Committee of Safety for the Town of Manchester, & as soon as may be take Cognizance of the Case Depending between Lt. Peter Roberts and Arthur Bostwick relative to the Salt Roberts accuses Bostwick of Taking without his Licence therefor, & to make and Execute Judgment thereon as to Justice appertains —and to order the promise made by Bostwick to Roberts for Making Restitution for the Salt by the 27 Inst. to be suspended until such Trial may be had. I am Sir your Humble Servt,

JOSEPH FAY, *Sec'y.*

*Lt. Martin Powel.*

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IN COUNCIL, Bennington 26 Feby. 1778.

Comes Capt. Elijah Russell & informs the Council of the State of Vermont that he the said Russell is deprived of a Considerable part of his Live Stock & other Goods, &c. &c.,

These are therefore to impower him to take such of the above mentioned articles, & convert the same to his own use, that he shall prove to be his his property before any Committee or Committees of Safety within this State, found within the same.

By order of Council, THOS. CHITTENDEN, *President.*

The above order Written & Entered pr.

NATHAN CLARK, Esqr., *Sec'y. P. T.*

Attest, JOS. FAY, *Sec'y.*

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[1] Gen. ISAAC CLARK, of Castleton, son of Hon. Nathan Clark, who was a member of the Council. Isaac was one of the rescuers of Remember Baker, also one of the scouts sent out just before the battle of Bennington. He was in that battle ; was designated as one of the captains to serve in Gen. Stark's intended expedition in the winter of 1778, and on the failure of that was assigned, with Capt. Ebenezer Allen, to guard the Northern frontier. For further facts see *ante*, pp. 121, 122.

BENNINGTON 28 Febʸ· 1778.

*(To the commanding officer at Albany:)*

*Sir*,—I am directed by Council to Inclose a Letter from the Inhabitants of our Frontiers by which you will have opportunity to Observe their Complaints which I Judge are not Groundless. Those Inhabitants have been for time past supported by a Small Scout of about 24 men Inhabitants of this State who are in an Unhappy Situation, on acctˢ· of their Families and Stocks being left at home and almost destitute of Provisions for their Families or Fodder for their Cattle, occasioned by the Ravages of the Enemy Last Campaign, which has been so Universally the Case of the Inhabitants of this State, that it has put it out of our power to furnish a public Store of Provisions; I therefore desire your honor (if consistant) to furnish a sufficient Guard to protect the Frontiers, or give orders that provisions be Supplied out of the Continental Stores, for the Subsistance of one hundred men Exclusive of officers to be raised within this State for that purpose,—which this Council are of opinion will be Sufficient until the opening of the Spring.

I am Sir, &c. THOMAS CHITTENDEN, *Presᵗ.*

BENNINGTON 28 Febʸ· 1778.

*Gentlemen*,—This day Mʳˢ· [Mrs.] Walker[1] makes application to this Council for the use of the farm, the former property of her husband, in order to Enable her to support her Family. You will be pleased to Take her case into your Consideration, and if no better Method can be found by you for the Maintainance of her family it will be advizable to Lese her the improvements of said farm not Exceeding one year, her procuring a sufficient surety for the maintainance of such family.

I am Sir Your Humᵇˡᵉ Servant,

By order of Council, THOˢ· CHITTENDEN, *Pᵗ.*

*To the Commissioner of Sequestration, Clarendon.*

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IN COUNCIL, Bennington March 1778.

The bearer Capt. Isaac Clark is permitted to Transport or convey Sundry Families out of this State to the Enemies Lines vizᵗ· Samuel Adams, Isaac Brisco, Caleb Henderson, and Philo Hards Families.

By order of Council, THOMAS CHITTENDEN, *Pᵗ.*

Mʳˢ· Adams is Permitted to Carry with her vizᵗ· Two Feather beds & bedding suitable therefor, six Pewter Plates, two Platters, two Basons, one quart Pot, one Tea Kittle, Wearing Apparil for herself & Children, one Frying Pan, one Candle Stick, knives & forks. Mrs. Brisco is permitted to Carry with her two Feather beds & bedding for the Same, five Pewter Plates, Do two platters, 2 basons, one T. pot or Tea Kittle, one small Brass Kittle, one Brass Skillet, the Bedding to Consist of three Coverlids, one bed-Quilt, four Blankets & Eight Sheets, one Chest her Wearing apparil & her Children, & knives & Forks.[2]

By order, THOˢ· CHITTENDEN, *President.*

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[1] Probably wife of Daniel Walker of Clarendon, whose property was confiscated. He was proscribed by the act of Feb. 26, 1779.

[2] Wives of Samuel Adams and of Isaac Brisco, tories of Arlington, whose property was confiscated, and both were proscribed by the act of Feb. 26, 1779.

BENNINGTON 4 March 1778.

*Gentlemen*,—The Bearers, Daniel Kinney and Jonathan Truesdel, have this day made application to this Council for (Each) the rent of a Farm within this State. They appear to be men that will make useful members of society, will deposit money in the Treasury office of this State sufficient at Least for the Rent of such farm or farms as they may agree for. This Council therefore desire that if you have any farms now in possession that you can dispose of by Virtue of your Commission of Sequestration, on the usual Rate of renting them, that you oblidge the bearers to the best of your abilities.

I am Gentlemen, yr. most Obedient Humble Servant,

By order of Council, JOS. FAY, *Sec'y.*

*Messrs. Fitch & Roberts.*

P. S. The Farm that Capt. Hodges Agreed for he will not Improve.

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IN COUNCIL, March 5 1778.

Capt. Rufus Dodge is permitted to Transport six hundred weight of flour to Gageborough which he says (on oath) he purchased at St. Coik.

By order of Council, THOS. CHITTENDEN, *P.*

*To whom it may Concern.*

Whereas application has been made to this Council by the Frontier Inhabitants of this State near Lake Champlain & Otter Creek, Requesting a suitable number of men to guard them from the Incursions of the enemy, on which this Council laid the same before the Commander in chief at Albany, Requesting of him a number of Troops for the above purpose, or at Least Provisions for one hundred men exclusive of Commissioned officers to be raised by this State, who was pleased to give his approbation for Raising sd men, & orders to the Commissary at Bennington to furnish them with provitions—Therefore Resolved to raise two companies Consisting of fifty able-bodied effective men in Each, Exclusive of Commissioned officers, to be Commanded by one Capt. & two Lts. Each, to give one Months pay to them to Enable them to Recruit their men & Ten dollars bounty to Each non-commissioned officer & soldier, Together with four Pounds pr Month as Wages, to Continue in Service Two Months from this date unless sooner discharged.

By order of Council, THOS. CHITTENDEN, *Pr't.*

Attest, JOSEPH FAY, *Sec'y.*

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Bennington 6 March 1778.
STATE OF VERMONT. IN COUNCIL date above.

*Gentlemen*,—This Council have taken into consideration your request of the 15 January Last for their assistants in Compleating the Regiment (which you have the honor to Command) to their full number, & being fully willing to Grant Such request, have in Consequence Issued their orders some time Since to the Several Field officers of Militia within this State to make & return a true & perfect List of the number of Male Inhabitants included in Each company in Each such Regiment between the age of Sixteen and Sixty years, on or before the 12 day of March instant, which returns will be by this Council laid before the General Assembly of this State who are appointed to meet at Windsor on sd 12 day, as also your request. You will please to make Return of the Number of officers & their Rank, Particularly, & the Number of Non-Commissioned officers and Privates Necessary to Compleat your Regiment,

[that] the same may be Laid before the Assembly & such Recommendations by this Council as to effectually answer your request.

I am Gentlemen your most Obt Humble Servant,

By order of Council, THOS. CHITTENDEN, *P.*

*Colo. Seth Warner & Lt. Colo. Safford.*

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STATE OF VERMONT. IN COUNCIL, Bennington 6th March 1778.

[COPY.]

*Instructions for Capt. Ebenezer Allen.*

The object of ordering the Troops to be by you raised & Commanded is [to] protect the Northern Inhabitants of this State near Lake Champlain & Otter Creek. You will therefore Proceed & Raise your men with all Possible dispatch, & when you have enlisted a sufficient number you will March them to N. Haven Fort where you are to Take post. You are to keep out proper Scouts to reconoiter the Woods, to Watch the Movements of the Enemy, & Report them to this Council or officer Commanding the Troops in the Northern Department as often as you shall find from Time to Time necessary. As there is some few Inhabitants north of the Fort, should you Judge them to be disaffected persons to the Interest of the United States of America, you will confine him or them & secure his or their Estate for the use of this State until Such person or persons may be tried by a Committee of Safety next adjacent to the offender or offenders, and if such Committe shall acquit them or Either of them, he or they so acquitted to be restored in their property. You are to be particularly cautious that none of the Inhabitants may Suffer by their effects being Taken on Suspicion of their being Tories.[1]

By order of Council, THOS. CHITTENDEN, *Pres't.*

Attest, JOSEPH FAY, *Sec'y.*

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STATE OF VERMONT. Bennington 9 March 1778.

*Sir*,—You are hereby directed to March the men already enlisted by virtue of Commission or Warrant from Lt. Colo. Herrick for the Intended Expedition into Canada, & you & the other officers (who have enlisted any such Soldier) may be hereby assured that any reasonable encouragement heretofore offered shall be paid by [to] them. The Council *Present* are of opinion that a Surgeon ought to be allowed for your use & the Corps who are to serve under you, but as there is but few of the Council (at present) Together they think it advizeable for them to report their Opinion in that Matter to the General Assembly & Let you know their Resolution thereon Next Week. You will be supplied from time to Time with Everything necessary for the Comfort of your Camp that is in the Power of this Council to afford you.

By order of Council, THOS. CHITTENDEN, *Pre't.*

*To Capt. Ebenr Allen & Commissd. officers under him.*

Voted in the House of Assembly that in Lieu of D. D. [double daily] rations 10 Dollars as bounty.

Attest, M. LYON, *D. Sec'y.*[2]

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[1] The "fort" mentioned is supposed to have been the block-fort, built by Ethan Allen and others in 1773, in New Haven, on the falls of Otter Creek.

[2] This vote of the General Assembly was added here on the record to indicate that notice had been given to Capt Allen and other officers ; of

STATE OF VERMONT. IN COUNCIL, Windsor 12 March 1778.

This Council do recommend to the Several Gentlemen appointed by the freemen of the Several Towns within this State to represent them in General Assembly, to Assemble at the Town house in this place immediately & to form a house of Assembly by choosing a Speaker & Clerk, and make Report of your proceedings hereon as soon as may be to this Council. By order of Council, THOS. CHITTENDEN, *P.*

STATE OF VERMONT. IN COUNCIL, Windsor 12 March 1778.

*To John Benjamin, Gentleman:*

Whereas a number of the Inhabitants of this State are now met Together in this place, appointed by the freemen of the Several Towns within the Same in order to form a house of Assembly; And Whereas it is found Necessary that some person be appointed to act in the Capacity of a Sheriff, you are therefore hereby appointed, authorized and impowered in the Capacity of Sheriff during the Session of this present Assembly (unless sooner discharged,) and to Subject yourself to such rules and orders as you shall from time to Time [receive] from this or a future Council of this State, for which this shall be your Sufficient Warrant. By order of Council, THOS. CHITTENDEN, *Pr't.*

Attest, JOSEPH FAY, *Sec'y.*

[End of the record of the Council of Safety.]

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course added at a later date, as the action of the General Assembly was on the 20th of March following, when a surgeon was also appointed. The votes of the Assembly, Friday, March 20, 1778, were as follows :

Voted, to provide a surgeon for Captains Allen and Clark's companies.

Voted, that Doct. Jacob Ruback be the surgeon for the purpose aforesaid.

Voted, that those men that enlisted under Captains Allen and Clark should have ten dollars as a bounty, in lieu of double rations.—See *Ms. Journal of the General Assembly*, March 20, 1778 ; also Slade's *State Papers*, p. 262.

The fact may as well be stated here that the journals of the three sessions of 1778 are in Slade, but those of the sessions of 1779, 1780, 1781, 1782, and 1783 are in manuscript only, having never been printed.

# RECORD

OF THE

# GOVERNOR AND COUNCIL

FOR THE

# STATE OF VERMONT.

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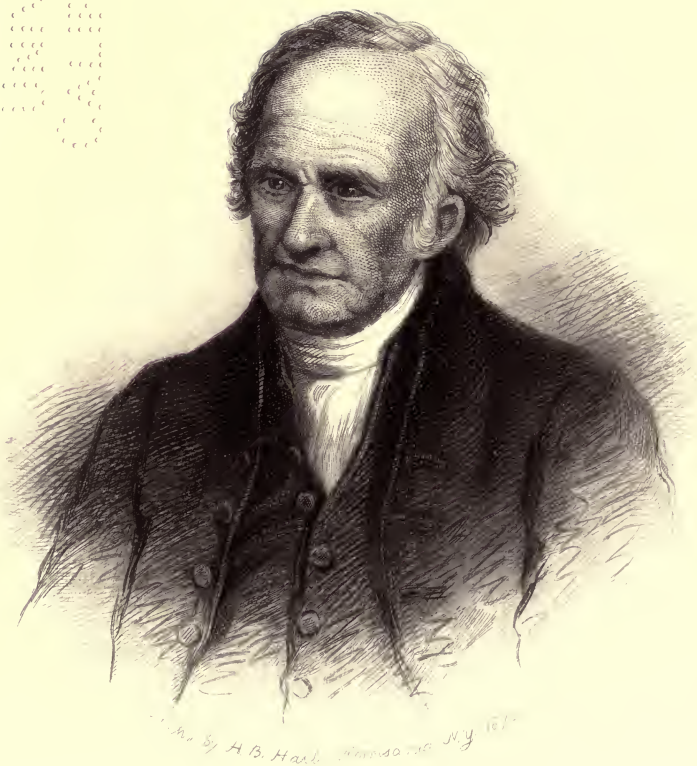
MARCH 12, 1778, TO NOV. 11, 1835.



Joseph Marsh

# INTRODUCTION.

For a few years the record of the Governor and Council, like that of the Council of Safety, was not made in the form of a regular journal, but embraced only matters the preservation of which was thought to be necessary. In many instances the action of the Council is merely noted, with references to the Assembly journal for further information. Whenever deemed advisable, the editor has, in notes, quoted from the Assembly journal in such cases, or briefly stated the essence of the record; and has also quoted or briefly stated other matters in the Assembly journal touching the Council—otherwise no just conception could be obtained of the work and value of that body.

For a short time the Governor and Council was the Board of War, and afterward that Board was constituted largely of Councillors, and therefore it has been deemed advisable to publish the record of the Board of War in connection with the Council record.

Though the Governor, Lieutenant-Governor, and Council formed a very important branch of the government for more than fifty-seven years, the records of their action have never been printed. The proceedings of that body given in this volume have been copied therefore from the original manuscript records, as the volumes that may succeed it must be.

For the constitution and powers of the Governor, Lieutenant-Governor, and Council, see chapter II of the Constitution, (*ante*, pp. 95–101,) sections I, III, XIV, XVII, XVIII, XIX, XX, and XXVII. Powers were occasionally given to the Governor and Council by special votes of the General Assembly, certified copies of which were sent to the Council and are entered in its record.

## ORGANIZATION, FROM MARCH 12 UNTIL OCTOBER 9, 1778.

Thomas Chittenden of Williston,[1] *Governor.*
Joseph Marsh of Hartford, *Lieutenant-Governor.*[2]

[1] Gov. Chittenden's residence was then in Arlington, but his home was in Williston.

[2] The report of the committee which canvassed the votes was, that no election of lieutenant-governor had been made by the people, when Col. Marsh was elected by the General Assembly. Afterward fifteen votes were brought in for Col. M., which gave him a majority of the votes cast by the people.—*Assembly Journal*, in Slade's *State Papers*, p. 257.

COUNCILLORS:

IRA ALLEN of Colchester,[1]
JACOB BAYLEY of Newbury,
JOSEPH BOWKER of Rutland,
TIMOTHY BROWNSON of Sunderland,
BENJAMIN CARPENTER of Guilford,
JEREMIAH CLARK of Shaftsbury,
BENJAMIN EMMONS of Woodstock,
JONAS FAY of Bennington,
THOMAS MOREDOCK[2] of Norwich,
PETER OLCOTT of Norwich,
PAUL SPOONER of Hartland,
MOSES ROBINSON of Bennington.[3]

THOMAS CHANDLER, jr., of Chester, *Secretary.*

MATTHEW LYON of Arlington, *Deputy Secretary* from April 9 to June 4, and from July 17 to Oct. 9.

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[1] Ira Allen's residence was in Sunderland, but his home was in Colchester.

[2] Thomas Murdock.

[3] This list is from Slade's *State Papers*, with the exception that here the name of MOSES ROBINSON is inserted in lieu of JOHN THROOP. This change is not warranted by any preceding printed list—that is, not by Ira Allen's, or Slade's, or Deming's, or the lists copied from either. It is not warranted by the *list* in the official record, as it stands on the book: and yet that MOSES ROBINSON *was* a member of that Council, and JOHN THROOP *was not*, are facts abundantly proved by the official record, in spite of the erroneous *list* which has been interpolated into it in recent times. The *introduction* to the canvassing committee's report of the first Council is all that was entered on the original minutes, and all that Secretary FAY (JOSEPH) found there when he recorded them in the present official record-book in 1788. He left a blank for the names of the Councillors, and that blank was never filled until a comparatively recent date, when it was filled *from Slade's list.* This is shown by other entries from Slade in the margin, or references to his work, which are in the same handwriting as that of the incorrect *list.* The entry was made in good faith, but nevertheless it is wrong. The proofs that MOSES ROBINSON was a member of the first Council are: 1st, an official letter of the Council, dated March 14, 1778, addressed to him, notifying him of his election and requiring his attendance; 2d, the fact that he took the oath of office April 24, 1778—seeming not to have attended the March session; and 3d, his name appears on the only three debenture-rolls of that Council that are recorded, being in April and May 1778. This is incontrovertible evidence.

The proof that JOHN THROOP was *not* a Councillor at that time is less direct but nevertheless quite satisfactory. March 26, 1778, the General Assembly by vote empowered the Council to dispose of tory estates; and under this act and on the same day, the Governor, Deputy-Governor, and

## BIOGRAPHICAL NOTICES.

For notices of Messrs. Allen, Bayley, Carpenter, Chittenden, Clark, Fay, Lyon, Robinson, and Spooner, see *ante*, pp. 115–129; and for notice of Mr. Bowker, see note, *ante*, p. 190.

Col. JOSEPH MARSH was descended from John Marsh, who came from England to Massachusetts in 1633, and removed with Rev. Thomas

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Council constituted themselves arbiters in the premises, and divided the body into two courts, as follows :

*Court for Cumberland County.*—[*Eastern Vermont, at that date.*]

Lieut. Gov. MARSH,

1. Jacob Bayley,
2 Thomas Murdock,
3. Peter Olcott,
4. Benjamin Emmons,
5. Paul Spooner,
6. Benjamin Carpenter.

Here, then, are the six Councillors residing on the east side of the mountain, and JOHN THROOP of Pomfret is not among them.

*Court for Bennington County.*

The vote of the Council on the same day was in these words :

Voted that his Excellency the Governor & Council *that Live in the County of Bennington* be a Court to Confiscate the Estate of those persons that are Enemies, *in the Same form as those in the County of Cumberland are.*

This court then was thus constituted :

Gov. CHITTENDEN,

7. Ira Allen,
8. Timothy Brownson,
9. Jeremiah Clark,
10. Jonas Fay,
11. Moses Robinson,
12. Joseph Bowker.

March 17, 1778, nine days before these courts were created, *the whole* of western Vermont was named "Bennington County." Above, then, in courts constituted exclusively of the Governor, Lieut.-Governor, and Council, there are the *twelve* Councillors, and JOHN THROOP is not among them. He was not Councillor until 1779.

The fact that the report of the canvassing committee for the first Councillors was left blank ought to have put investigators on their guard. Had it done so, the conclusive facts here stated, which lie patent on the record, would have excluded error. There doubtless was a reason for leaving the report blank temporarily. The same committee had reported that there had been no election of Deputy-Governor by the people, Joseph Marsh lacking eleven votes. Mr. Marsh was then elected by the General Assembly ; but, speedily, fifteen more votes for Mr. Marsh were "brought in" and he was elected by the people. Thus warned, the com-

Hooker to Hartford, Conn., in 1635. John Marsh married Anne, daughter of Deputy-Governor John Webster; and after her death he married the widow of Richard Lyman, of Northampton, Mass. Joseph Marsh, who settled in Lebanon, Conn., in 1697, was grandson of John Marsh; and a grandson of Joseph was the father of Vermont's first lieutenant-governor, Col. JOSEPH MARSH of Hartford, Vt. Col. Marsh was born in Lebanon, Conn., Jan. 12, 1726, O. S., and Jan. 10 1750 married Dorothy Mason, who was a descendant from Major John Mason, (afterward Major-General of all the Connecticut forces,) who in 1630 came from England to Dorchester, Mass., being one of the first settlers. Maj. Mason removed to Windsor, Conn., in 1634, became very famous as commander of the English in the Pequot Indian War, (of which he wrote a history,) and was deputy governor from May 1660 to May 1670, when he voluntarily retired and removed to Norwich, Conn., where he died about 1672. The wife of Col. Marsh was a sister of Col. Jeremiah Mason of Lebanon, Conn., who was father of the late very distinguished jurist, Hon. Jeremiah Mason of Boston. The high expectations from such an ancestry have been remarkably fulfilled in lieut.-gov. Marsh and his descendants, among whom are the late Hon. Charles Marsh of Woodstock, the late professor and president James Marsh of the University of Vermont, the

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mittee may have waited for more votes for Councillors to be "brought in," and so did not complete the report.

The date of the Council's letter to Robinson, notifying him of his election, was March 14, 1778, being the third day of the session, which shows that the completion of the counting of votes for Councillors had been for some reason delayed. It is certain that Mr. Slade was too easily misled. He was Secretary of State and had the records in his possession. If, therefore, he had printed the *Council journals* for 1778 with the *Assembly journals* which he did put into the *State Papers*, he would inevitably have discovered the error that is now, the editor believes, corrected for the first time. Mr. Slade was probably misled by the list in Ira Allen's *History*.—See *Vt. Hist. Soc. Coll.*, vol. 1, p. 392. Allen wrote his history in England, twenty years after the election of 1778, and wrote it, as he declared, *from memory*. If Mr. Throop had been at first supposed to be elected, though the fact turned out to be otherwise, Allen's memory would have retained the name ; and with a good degree of confidence also, as the facts were that Mr. Robinson did not attend the first (March) session, but the subsequent ones, and Allen himself did not attend the April and May sessions, when Robinson did—the debenture-rolls proving both facts. Moreover, Allen's name does not appear in the only other session of that first Council—June, 1778—except as having been designated on two committees for work to be done in the then future. These appointments probably were made in his absence. In any event, the record amply disproves the accuracy of Allen's memory.

late Dr. Leonard Marsh of Burlington, and the Hon. George P. Marsh of Burlington, who yet lives to command, through his great attainments, the homage of the best scholars in Europe and America. The descendants of Col. Marsh, specially those just named, possessed in a remarkable degree the intellectual qualities ascribed to the colonel by his grandson Roswell Marsh, as hereinafter noticed.

Col. Marsh settled in Hartford, Vt., in 1772, and soon was engaged actively and influentially in public affairs. He was then, of course, a resident of Cumberland county and under the jurisdiction of New York. He was lieutenant-colonel of the upper regiment of that county in August 1775, colonel in January 1776, and a member of the provincial Congress of New York for the sessions commencing in February, May 14, and July 9, 1776. He was absent during the whole of the February and part of the July session. In Feb. 1777 he received an order from Maj.-Gen. Schuyler to enlist every fifth man in his regiment for the purpose of reinforcing the continental army at Ticonderoga, which he executed promptly. In July of that year his regiment came under the jurisdiction of Vermont, and August 13th he was ordered by the Council of Safety to march one half of it at once to Bennington. A family tradition is that he was in the battle of Bennington, which Gov. Hall doubts, but adds that he may have been subsequently in service on the Hudson. The Hon. Roswell Marsh of Steubenville, Ohio, grandson of the lieut.-governor, in whose family he lived until he was eighteen, is certain that leading public men and members of the family spoke of his having a share at Bennington, and of camp life while the regiment guarded the river to prevent Burgoyne's retreat and cut off supplies from Canada. He added that Rev. Lyman Potter, (formerly of Norwich, Vt., and afterward a resident of Ohio, near Steubenville,) was chaplain of lieut.-gov. Marsh's regiment, and was at Bennington [after the battle, most probably,] and in camp at Whitehall, Fort Ann, Fort Edward, and Sandy Hill. Gov. Hall is undoubtedly correct, since the order dated at Bennington Aug. 13 could not possibly reach Col Marsh at Hartford in time for him to get his men into the battle at Bennington on the 16th ; but the order confirms the remainder of Roswell Marsh's statement. Col. Marsh's regiment, (half at least,) having gone into the field under orders, could not leave it until a discharge had been granted.

Col. Marsh was a member of the Windsor Convention of June 4; also July 2, and Dec. 24, 1777, being vice president ; and by the July convention he was appointed chairman of the committee raised to secure arms to supply the state. In March 1778 he was elected lieutenant-Governor, to which office he was re-elected in 1779 and annually from 1787 to 1790. In the same month he was designated member and chairman of the court of confiscation for eastern Vermont. He was chairman of a Committee of Safety for a section of Vermont, and apparently of New Hampshire also, with head-quarters at Dresden, which was that part of the territory of Hanover that was then owned by the corporation

of Dartmouth College. He represented Hartford in the General Assembly of 1781 and '82. He was one of the first Council of Censors, in 1785. From 1787 to 1795, nine years, he was chief judge of Windsor county court, his last public office.

Col. Marsh (said Roswell Marsh) went to school but a single month, and his advantages from books were limited; but what he read he fully mastered and then held it with a tenacious memory. He excelled in acquiring knowledge from conversation; and his own was exceedingly interesting. His knowledge, however acquired, was utilized by a close logical mind. His temper was equable, and children loved him. In politics nothing, save remarks disrespectful to President Washington, ever disturbed him, for he was of the pure Washingtonian school, and trained his children in it. He was an earnest Christian, but free from bigotry. In person he was of large stature and well proportioned—broad shouldered, large boned, lean, and of great muscular power; in weight over two hundred. His dress was of the Washington pattern—small clothes and the triangular hat. He was a bold and graceful horseman, kept a chaise, but never used it for himself alone. Col. Marsh died February 9, 1811.[1]—See Blake's *Biographical Dictionary; Eastern Vermont; Vt. Historical Society Collections*, vol. 1; Hon. James Barrett's *Memorial Address on Hon. Charles Marsh*, 1870, specially the letter of Roswell Marsh appended, from which this sketch of the personal traits of Col. Marsh has been drawn; and Drake's *Dictionary of American Biography.*

Col. TIMOTHY BROWNSON was among the first permanent settlers of Sunderland, in 1766, but in 1764 he had been one of the committee appointed to settle with the collector of the grantees, superintend the allotments, and survey and lay out the roads in that town. He was from New Framingham, Conn. He was a prominent man in the civil affairs of the State, one of the most trusted and confidential advisers of gov. Chittenden, a delegate in the Conventions of Jan. 16 and Sept. 25, 1776, and was of the twelve advizers appointed to attend the next Convention. He was also a member of the Convention which adopted the Constitution, and councillor 1778–'84 and 1787–'94. He was one of the eight persons named by gov. Chittenden as having been cognizant of the Haldimand negotiation, and a member of the Convention of 1791 which adopted the Constitution of the United States.—See *Vt. Hist. Mag.*, vol. 1, p. 239; *Early History*, p. 458; and Deming's *Catalogue*, 1778 to 1851.

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[1] The dates of his birth and death are given about a year earlier in Thompson's *Gazetteer*, 1824. The dates of birth and marriage above are from the official records; and the date of death is from the tomb-stone at his grave.

For the following biographical notice of BENJAMIN EMMONS, of Woodstock, the editor is indebted to HENRY S. DANA, Esq.

The family to which Benjamin Emmons belonged, lived originally in Massachusetts, but soon after the close of the French and Indian war eight brothers of the family had settled in the region of Hinsdale and Chesterfield, N. H. These brothers were all remarkable for vigorous frames, great muscular strength, and active spirits. Several of them had seen service in the last war, and had made themselves noted throughout all the borders for courage and for deeds of daring. In April, 1772, Benjamin Emmons left Chesterfield and settled with his family in the township of Woodstock. He took at once an active part in organizing the new settlement, and at the first town meeting held in May, 1773, he was chosen supervisor. The duties of this office, which he filled for two years, made him familiar with the civil affairs of Cumberland county and with all the political movements of the day, over which his good judgment and his faculty for business must soon have begun to exercise an influence. At the annual town meeting in Woodstock, May 1775, he was chosen a member of the Committee of Safety, and he remained on this Committee as long as it existed. In August of the same year he was a lieutenant, under New York, of the upper regiment of Cumberland County, and in June 1776 a member of the County Committee of Safety.

From the outset Emmons' own political sentiments seem to have been clear and pronounced. He was for the independence of the colonies as against the mother country, and when in the New Hampshire Grants the break with New York was fairly begun, he was for the independence of the Grants. Though not enrolled among the members of the Dorset Convention, at the adjourned session of this Convention, held in Westminster Oct. 30, 1776, he was placed on a committee to canvass Cumberland and Gloucester counties, for the purpose of making the people acquainted with the objects of the Convention and of stirring up their minds to favor a separation from New York. At the next two sessions of this Convention, held the first in Westminster and the second in Windsor, he was present as delegate from Woodstock. All this active service prepared the way for his being returned to the Convention which assembled at Windsor on the 2d of July, 1777, and framed a constitution for the new State of Vermont.[1] The people were not unmindful of his services thus far in securing the independence of Vermont, and at the first election held under the constitution elected him one of the twelve councilors. Furthermore, when it seemed good to establish a court of confiscation, soon after the General Assembly met in March, 1778, Emmons was appointed one of its members. His sound judgment and well-known patriotism were sufficient reasons why he might be made a member of

[1] That Emmons sat in this Convention may be accepted as a fact on the express testimony of Dr. Joseph A. Gallup, formerly of Woodstock, and of Dr. Lewis Emmons, now living in Hartland.

this court, but with some minds it may have added to his fitness for the post that he could show in his own town seven thousand acres of land to be confiscated, formerly the property of Charles Ward Apthrop of New York.

After serving as councillor several years, Emmons in 1781 was appointed assistant judge of Windsor county court, his commission bearing date the 16th of April. For some reason he declined the office at the October session of the legislature in the same year. From 1779 he was elected each year to the council till 1786. In that year he was chosen to represent Woodstock in the General Assembly, and it is a good proof of the high regard his fellow citizens had for him that he was called to serve as their representative eleven years in all, receiving his last election 1803. Likewise that he was a leading member of the House, is well known from the ample testimony of such men as Luce of Hartland, and Perry of Pomfret, and others who were members with him. For one act at least the people of his own town can credit him. After Windsor county was incorporated in 1781, with his usual sagacity he planned and arranged that as soon as possible Woodstock should become the shire town of the county. He accomplished his object finally by the passage of an act to that effect the first year he was a member of the House, and the opponents of the measure did not submit with good grace to the easy manner in which he had overcome them by his superior tactics.

To conclude, Emmons was chosen in 1791 a member of the convention which adopted the constitution of the United States, and one of the council of censors for 1799. With his election to the House in 1803 his career as a public man ended. He had now nearly reached his fourscore years. For a period of thirty years he had devoted his best energies to public affairs, and had exercised a large influence over the political movements in which he had been involved. Nor had he been a less active and useful man in the town where he lived, with wisdom and good will doing his part in matters of merely local interest. The affairs of the school district received his careful attention ; as a justice of the peace his judgment and equity made his work abundant and his name famous. As money was scarce in those days and neat stock was used largely in payment of debts, "Squire Emmons" was the man to whom every body went, for years, to fix the price at which stock should be received.

About the year 1806 several of Mr. Emmons' children had gone west and settled beyond the Mississippi at St. Charles. They persuaded him to follow them presently, giving glowing descriptions of the beauty and fertility of the new world where they were. But he was too old to bear transplanting, and died six weeks after reaching the promised land, in 1811, at about the age of eighty-six years.—See *Records of Woodstock; Eastern Vermont;* and Deming's *Catalogue.*

Thomas Murdock of Norwich was a member of the Westminster Convention of Jan. 15, 1777, and of the Windsor Convention of June 4,

1777. He was councillor and member of the court of confiscation in 1778 and until Oct. 1779; and judge of Windsor county court 1782–'87. He represented Norwich in 1780 and 1782. Graham said that Mr. Murdock, being tired with the noise and bustle of public affairs, retired to domestic enjoyments and the calmer pleasures of private life. He died at Norwich in 1803.—See Deming's *Catalogue;* Graham's *Descriptive Sketch;* Thompson's *Gazetteer*, 1823.

Gen. PETER OLCOTT was another of the eminent men of Norwich, active in both the civil and military affairs of the state. In May 1777 he was appointed by New York one of the commissioners to receive the property of those who had joined the enemy; and in 1778, under Vermont, he performed a similar service as one of the court of confiscation for eastern Vermont. He was a member of the Windsor Convention, June 1777; also of July and December, 1777, which adopted the constitution. That Gen. OLCOTT was a delegate with JACOB BURTON, for Norwich, in the Convention which adopted the constitution in July and December, 1777, is stated on the authority of the late Doct. JOSEPH A. GALLUP, who was eight years of age at the time, and had his information from his father, WILLIAM GALLUP, who was also a delegate for Hartland in the same convention—See *Additions and Corrections, post.* In 1777 he commanded a regiment in Gloucester county, and, like Col. Marsh, was summoned to march with half of it in August for the relief of Bennington. Failing of course in this, for want of time, he was nevertheless employed in other military service in that region. He was councillor from the first session until Oct. 1779, again 1781–1790; lieutenant-governor 1790–'93; and judge of the supreme court 1782–'84. He died at Norwich in September 1808.—See *Eastern Vermont;* Deming's *Catalogue; Legislative Directory;* Thompson's *Gazetteer.*

THOMAS CHANDLER, Jr., Secretary, seems to have filled that station by virtue of his election as *Secretary of State*, by the General Assembly, March 13, 1778. On that day he took the oaths of office and commenced service as Secretary of the Council. He was son of Thomas Chandler, senior, who was chief judge of the royal court at Westminster, which was captured and overthrown by the whigs immediately after the Westminster massacre. Thomas Chandler, Jr., was born [probably at Woodstock, Conn.,] Sept. 23, 1740, (old style,) and came to New Flamstead, Vt., (now Chester,) with his father in 1763. In March of that year, at a meeting of the proprietors, holden at Worcester Mass., he was appointed town clerk, and he held that office until March 1780. July 16, 1766, he was appointed (by New York) assistant justice of the inferior court of common pleas for Cumberland county, and he held the office until after the Westminster massacre. He was a delegate in the Westminster Convention in Oct. 1776, and Jan. 1777.[1] He was elected to the first

[1] The records of the Conventions and of the Assembly omit the junior. It was Thomas Chandler who was elected Secretary of State, but when he

General Assembly, in March 1778, also Oct. 1778–81, and in 1787. He was elected clerk of the first General Assembly (while a representative,) but abandoned both posts to be Secretary of State. He was speaker of the Assembly Oct. 1778–80, resigning in the middle of the session of the last year on account of charges affecting his character, for which he brought a libel suit and recovered damages. He was judge of the first supreme court, elected in Oct. 1778, and of Windsor county court in 1786. He was reduced to poverty by sickness in his family, and was constrained to ask, by petition, Oct. 15, 1792, for an act of insolvency in his behalf.—See *Eastern Vermont;* Deming's *Catalogue;* and *Legislative Directory.*

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came to act at such, he added the junior to his name. It is presumed that every reference in the records (except in an act for the relief of Thomas Chandler, passed at the October session 1785,) refers to Thomas Chandler, Jr.

# RECORD OF THE GOVERNOR AND COUNCIL

AT THE

## FIRST SESSION WITH THE GENERAL ASSEMBLY, MARCH 1778.

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STATE OF VERMONT, }
WINDSOR, March 13, 1778.[1] }

This day Commences the first Proceedings of Council upon the Establishment of the Constitution of the State of VERMONT.

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*Sir*,—Whereas the Freemen of this State have by their Vote appointed you to be one of the members of the Hon^ble^ Council of this State, & whereas it is of Necessity that the Several members be Together at this present Sessions[2] of General Assembly, you are therefore desired to Attend that business immediately.

By order of the Gov^r^· & Council,
THO^S^· CHANDLER, Ju^r^· *Sec'y*·

*The Hon^ble^ Jacob Bayley, Esq^r^·*

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STATE OF VERMONT, Windsor 14 March 1778.

*Sir*,—You are by the freemen of this State appointed a member of Council. You are directed to Attend the business at this place with all Convenient dispatch.

I am your honor's Humble Servant,
By order of the Gov^r^· & Council,
*Moses Robinson, Esq^r^·* THO^S^· CHANDLER, *Ju^r^· Sec'y*·

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[1] *From the Assembly Journal* of March 13 :

The Governor, Deputy-Governor, Treasurer, and Council were sworn to their several offices.—See *Constitution*, *ante*, chap. II, sec. IX.

Doct. Jonas Fay, Capt. Ira Allen and Col^o^· Peter Olcott appointed by the Council to join a Committee of the Assembly to wait on a committee from the east side of Connecticut river, [in reference to union with Vermont.] March 18, the Assembly resolved to lay the proposition of this committee before the people of this state for their consideration and determination.—[For papers on the first union of New Hampshire towns with Vermont, see *Appendix* G, No. 1.]

[2] That is, the several expected daily sessions of the body. The word "session," as descriptive of the entire time the Council, the General Assembly, or both bodies jointly, were together, was not then used.

STATE OF VERMONT. }
In General Assembly Windsor 14 March 1778. }

In General Assembly of the Representatives of the freemen of the State of Vermont,

Resolved, that His Excellency the Governor, Depy. Governor, & the Honorable Council of the State, or such persons as they shall appoint of their body, be hereby impowered to draw on the Treasurer General of this State for such sums of money as they shall need to Settle with the Rangers & others heretofore Raised for the defence & Security of this or the United States of America, Agreeable to an act of Convention or of Council for said purpose, & all other Just Debts of this State, they Rendering an account of the Same to such Auditor or Auditors as shall be by this House appointed for that purpose.

By order of Assembly,
NATHAN CLARK, *Speaker.*

Test, BENJAMIN BALDWIN, *Clerk.*

*To His Excellency, Govr. & Council.*[2]

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STATE OF VERMONT. }
In General Assembly Windsor 18 March 1778.[1] }

Upon the petition of John Payne, John Ordway, Comfort Sever & their associates, praying to be assured that they shall have the refusal of so much of the Lands thereon discribed as shall hereafter be found to belong to this State & that they shall be granted to them on Reasonable Terms and Incorporated into a distinct & separate Town, as by petition on file Bearing date Janv. 1st 1778 may appear, therefore Resolved by this Assembly that the above named John Payne, John Ordway, Comfort Sever, and their associates, Provided they are forty-six in number, besides what is hereafter reserved for Public uses viz. one Right or share for the

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[2] From the *Assembly Journal:*

March 16.—Voted, to send a request to his excellency the Governor and Council, to prepare a Bill or draught of regulating the militia, and a mode for the defence of the Frontiers, and means to supply the Treasury of this State.

March 17.—Voted, to accept the Bill presented to the House of Representatives by his Excellency the Governor and Council describing the boundaries of the country on the west side of the mountains.—[All Western Vermont named "Bennington County."]

Voted, that the bill presented to this House by the Governor and Council be altered, and, in the place of "New Hampshire," insert *the west bank of Connecticut river.*—[Thus fixing the eastern boundary of Vermont on the west bank.]

Voted, to accept the bill presented to this House by the Governor & Council, prescribing the boundaries & the County on the east side of the mountains, with the alteration as above.—[Eastern Vermont first called "Unity County," which was changed to "Cumberland."]

[1] From the *Assembly Journal:*

March 18.—The act for providing, altering, regulating and mending highways, with the exceptions presented to this House by the Governor and Council, was put to vote, and passed in the negative.

Voted, that the style of the Governor of this State be *His Excellency*

Voted, to concur with the Governor and Council relative to the time and place when and where to adjourn this Assembly whenever they think proper to adjourn.

first settled minister, one for the parsonage, one for a School, & four hundred acres, which is Reserved in the southwest Corner of the said Town for the use of a College, Be assured, that the rest of the Land above referred to shall be granted to them agreeable to the Tennor of their S^d^ request at the appraisal of Indifferent men, as Wild Lands, when the Circumstances of this State will admit of its being done with propriety ; on *Condition* of one Settler be settled on each private share in two years after Granted, the said petitioners advancing the sum of Two thousand dollars on Loan in the Loan Office which shall hereafter be established in this State, agreeable to the proposals of their agent to this Assembly within Two months after such Loan office shall be properly Erected.

Passed in House of Representatives,

BENJAMIN BALDWIN, *Clerk.*

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WINDSOR, March 13, [19,] 1778.[1]
STATE OF VERMONT. In Council. date above.

*To Captain Thomas Sawyer.*—By Express have the honor of your Worthy exertions on thursday. While we regret the loss of L^t.^ Barnum and your men, Congratulate you on your Signal Victory over such a Superiority of numbers. Viewing your dangerous and Remote Situation, the difficulty in Reinforcing & supplying you, do therefore direct you to Retreat to the Block-house in New Haven. Bring with you all

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[1] It is not possible that this date could be the 13th at Windsor, the extreme eastern border of the state, as the fight was on the 12th at Shelburne on the extreme western border. Capt. Sawyer went from Shelburne to Clarendon, some days' work then, and from thence sent the express messenger, who did not reach Windsor until the 19th, on which day the Assembly received his message. On the 19th the Governor and Council sent their orders by the messenger on his return, and of course sent the above letter by the same hand. In 1776 Moses Pierson had raised a large crop of wheat on what has for years been celebrated as "the Ezra Meech farm," which lies on the lake a few miles south of Burlington city. He was forced by his fear of the enemy to leave in the autumn, but he returned in January 1777, accompanied by Capt. Thomas Sawyer and fourteen soldiers, who had marched through the trackless wilderness about ninety miles, none of them being mounted but the captain. Two months were spent in strengthening the place, resulting in a block-house, made of large logs laid closely together, and with few windows. On the 12th of March this party was attacked by a party of fifty-seven, Indians apparently, commanded by a British officer. The fight was stubborn ; twice the house was set on fire by the enemy, but the flames were extinguished, once by Lieut. Barnabas Barnum of Monkton, who lost his life by the daring act. After fighting two hours, the enemy retreated, were pursued, and two of them were captured. The Vermonters lost, in addition to Barnum, Joshua Woodward, (residence not known,) and Samuel Daniels of Leicester—three killed. The loss of the enemy was at least twelve killed, among whom were a British captain and an Indian chief. In 1814 several British officers were captured

the Friendly Inhabitants. You are not to distroy any Buildings, wheat or the effects. You will remain at s^d^ Block-house until relieved by Captain Ebenezer Allen, or Capt. Isaac Clark, who are directed immediately to repair to your Relief.

By order of the Governor & Council,

THOS. CHANDLER, Jur., *Sec'y.*

Voted in General Assembly this should be sent.

BENJA. BALDWIN, *Clerk.*

*To Capt. Sawyer.*

STATE OF VERMONT. IN COUNCIL, Windsor, March 19, 1778.[1]

*To Captains Ebenezer Allen and Isaac Clark:*

*Gentlemen*,—By Express this moment Rec^d^ the acc^ts^ of Captain Thomas Sawyer's late Signal Victory over the enemy at Shelburn,—Therefore direct you to repair to his relief without loss of Time. You are to Take post at Fort William, on Otter Creek, for the Time being. You will Send Scouts to protect the Inhabitants, or to harrass the Enemy, as you in your wisdom may Determine. All the inhabitants you cannot Safely Protect, you are to Invite to move within your lines (to be by you prescribed for the time being) within a Reasonable time, & all such as move to Come in (if need be) you will assist, and those that Refuse such kind Invitations, you are to Treat as Enemies to this & the United States of America. If possible you will secure the Wheat at Shelburn & such other effects as shall be in your power. You are not to burn or destroy any Buildings, or other effects.

I am Gentlemen your obed^ient^ Hum^ble^ Servant,

By order of Council, THOS. CHANDLER, Jur. *Sec'y.*

*Captains Allen & Clark.*

Voted in the House of Representatives to be sent.

BENJA. BALDWIN, *Clerk.*

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and brought to Burlington, where Ziba Pierson (son of Moses and aged seventeen at the date of the fight at Shelburne,) became acquainted with one of these, a lieutenant named Larama. This man told Pierson that his father was a captain in the British army, and was shot down at Pierson's in Shelburne in the revolutionary war.—See histories of Shelburne, Leicester, and Monkton, in *Vt. Hist. Mag.*, vol. I.

[1] From the *Assembly Journal:*

*March* 19.—Voted, that the Council do take the express (sent from Capt. [Thomas] Sawyer in Clarendon) into consideration and report thereon to this House.

Voted, to send the order presented to this House, [in consequence of the preceding vote,] by the Governor and Council, to Captains Ebenezer Allen, Isaac Clark, and Thomas Sawyer.

Voted, to petition the Governor and Council, whether they would do any thing relative to persons which have been to the enemy and have returned.

Voted, to give his Excellency the Governor the sum of fifty pounds as a Salary, for the time since he came from home, until the next Session of the General Assembly.

*March* 21.—A bill being presented to this House, by the Council, relative to raising men to fill up Col^o^. Seth Warners Regiment; which, being read and debated, was put to vote, and passed in the negative.

A bill being presented to this House by the Council, relative to establishing the common law [of England] as the law of this State; which being read and debated, was put to vote, and passed in the affirmative.

STATE OF VERMONT. Windsor 23 March 1778.[1]

*Sir*,—You are hereby directed to diliver to the bearer Mr. Watts Hubbard the Bond made by Zebediah [Zedekiah] Stone Esqr., the bearer [Hubbard] & Alexander Parmalee for the Safe keeping in Custody Watts Hubbard Jur. for which this shall be you Sufficient discharge with his Rect. on the back. I am Sir your Humble Servant,

By order of Council, THOMAS CHANDLER, Jur., *Sec'y.*

*Capt. William Dean.*

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[STATE OF VERMONT. IN GENERAL ASSEMBLY, March 24, 1778.][2]

Whereas it is Represented to this Assembly that there are certain Parcels of Land divided into Lotts Lying in the Township of Hertford formerly the Property of White Head Hicks,[3] and others now gone over to the Enemy & Consequently forfeited to the United States of America; & Whereas the Honble Continental Congress have Recommended to the Several States to make Immediate Sale of such Lands; And Whereas Mr. William Gallup[4] of sd Town has made application to this

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[1] From the *Assembly Journal:*

A bill was presented to this House by the Council, relative to their paying the surgeons for dressing the wounds of the soldiers of this state, that was wounded in the Bennington Action—being read and debated, was put to vote, and passed in the affirmative.

[2] From the *Assembly Journal:*

Voted to accept of the bill presented to this House by the Council, relative [to] giving Capt. Gallup liberty to dispose of some tory land, on certain conditions therein mentioned.

Voted to submit the drawing the lines of defence, in the northern department, unto the Governor and Council.

Voted that his honor, the deputy-Governor, have the same wages pr. day, as a Councillor.

The constitution expressly gave to the lieutenant-governor the right only of filling the executive office in the absence of the governor, or when there was no governor; but the intention doubtless accorded with the interpretation which was given from the beginning, that the lieutenant-governor was to all intents and purposes a *councillor* when he was not filling the executive chair.

[3] Whitehead Hicks was mayor of N. Y. city, and one of a large number to whom Gov. Dunmore had granted fifty thousand acres of land near Otter Creek, in violation of the orders of the king in council. Five days after Dunmore went out of office, Hicks and his associates transferred their shares in this land to Dunmore himself, thus stamping the grant as a fraud.—*Early History*, pp. 100–102.

[4] WILLIAM GALLUP of Hartland was a delegate in the Convention at Windsor, June 4, 1777, as appears from the printed record. His son, Doct. JOSEPH A. GALLUP, in a memoir dated August 14, 1846, states that his "father, William Gallup, was one of the seventy-one delegates, members of the Convention that met at Dorset and Westminster and Windsor in 1776, 1777, and declared Vermont a free and independent State.

body for Liberty to Dispose of the same to Good Inhabitants—Therefore Resolved that Mr. William Gallup may agreeable to his request (on putting one thousand Dollars into the Loan office of this State for the Terme of one year, said money to be Considered as Lent to the State, & by no meanes any payment for said Land, but that said persons so purchasing may at the Expiration of one year have so much of said Lands at the appraisal of men, as Lands are now disposed of, in which case the Interest of sd money is not to be given, or as they may then be at their option as will ammount to the money so Lent,) be permitted to make sale of said Lands to such inhabitants, on proviso that if it should hereafter appear that said land ought not to be disposed of as aforesaid, that the person or persons so purchasing shall Receive their money again of the Treasury of this State with interest for the Same at Six pr Cent pr Annum.

Passed in the House of Assembly, March 24, 1778.

BENJAMIN BALDWIN, *Clerk.*

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STATE OF VERMONT. Windsor 25 March 1778.[1]
IN COUNCIL, date above.

Watts Hubbard Jur. as principle & Watts Hubbard & Zedekiah Stone both of Windsor as Sureties Recognized in Two hundred and fifty pounds Each to the Treasurer of this State, or his Successors, the Condition of this Recognizence is Such that if the Above said Watts Hubbard Jur. shall appear before the Special [court] of the half Shire of Westminster when Summoned thereto, & not Depart there without Leave, then this present Obligation to be void otherwise to remain in full force and Virtue.

STATE OF VERMONT, Windsor March 25, 1778.
In the House of Representatives.

Resolved that Each Councillor have three Dollars and a half for Each Day that they Spend in the Service of this State Together with 4d pr Mile Travelling, to be laid before his Excellency in Council.

Test, BENJAMIN BALDWIN, *Clerk.*

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WINDSOR 26 March 1778.
STATE OF VERMONT. IN COUNCIL, date above.

Whereas it is Absolutely necessary that a Court be appointed to Confiscate & order the Sale of the Estates both Real & personal belonging to the Enemies of the United States, & which lies within the Limits of this State—And whereas the Honorable the General Assembly of this State have impowered the Governor & Council to Determine the Same, there-

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Although only of the age of eight years, I well remember the time of these transactions and the great solicitude and excitement that prevailed and seemed to pervade the minds of all classes of society. He died August 13, 1803, aged 69 years. He had been a delegate of the Convention which met at Windsor to frame a constitution for the State of Vermont; was also for many years a member of the General Assembly." For this extract the editor is indebted to HENRY S. DANA, Esq., of Woodstock.

[1] From the *Assembly Journal:*

Voted, to allow the Secretary of this State three times as much fees, for all business that he does, or may perform, except for memorials or peti-

fore Resolved, that his honor the Lt. Governor with Genl. Jacob Bayley, Major Thomas Murdock, Colo. Peter Olcott, Benjamin Emmons Esqr., Paul Spooner Esqr., Colo. Benjamin Carpenter, (any four of whom to be a quorum) be & are hereby appointed a Court & Impowered to Confiscate and order Sale to be made of all such Lands & Estates, as shall by Sufficient Evidence appear to be forfeited, within the County of Cumberland, and order the produce of the Same into the Treasury of this State. They are Also impowered to appoint Commissioners to Adjust and Settle the accounts of the creditors to said Estates, and order payment for the Same, and Also to settle the accounts of the Soldiers & others in the service of this State the Last Campaign, & give orders to the Treasurer or his Clerk for the payment thereof.

By order of Governor & Council,

THOMAS CHANDLER, Jur., *Sec'y.*

This Council do appoint Capt. Saml. Robinson & Mr. Thomas Rowley to be County Surveyors for the County of Bennington.

By order of Govr. & Council,

THOS. CHANDLER, Jur., *Sec'y.*

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*To Benjamin Fay, Esqr.,*

This Council Reposing Special trust and Confidence in your Loyalty & Good Conduct do hereby appoint you to be Sheriff within & for the County of Bennington, you are therefore duly & faithfully from time to Time, to do & perform, the duty of Sheriff within said County and you are hereby impowered to Depute one sufficient person to Serve under you until another shall be duly choosen & sworn in your Room, for which this shall be your Sufficient Warrent.

Given in the Council Chamber, date above,

THOS. CHANDLER, Jur., *Sec'y.*

STATE OF VERMONT. IN COUNCIL, March 26 1778.

This Council have appointed John Hatch Esqr., Joshua Bayley, Mr. Ezra Sargent, & Mr. Darius Sessions as County Surveyors for the County of Cumberland for the Time being.

This Council have appointed John Benjamin for a Sheriff for the County of Cumberland for the Time being.

This Council have appointed Colo. Moses Robinson & Jonas Fay Esqrs. as a Committee to prepare bills to lay before the General Assembly at their next Sessions.

Voted, that his Excellency the Governor & Council that Live in the County of Bennington, be a Court to Confiscate the Estate of those persons that are Enemies, in the Same form as those in the County of Cumberland are.

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tions to the General Assembly ; and he shall not be entitled to no more fees for the petitions to this Assembly than what is specified in the Connecticut law.

Passed the bill impowering the Governor and Council to confer with the Commander in Chief, and to draw such lines of defence as they shall Judge proper.

Voted, to accept the report of the Committee relative to raising men ; the same to be laid before the Governor and Council. [This was to recruit Warner's continental regiment.]

Voted, to pass the militia bill presented to this House by the Council, into an act of this Assembly.

WINDSOR 26 March 1778.[1]
STATE OF VERMONT. IN COUNCIL, date above.

Voted, that the Honble Joseph Marsh Esqr. & the Honble Jonas Fay Esqr. be Delegates to Wait on the Honble Continental Congress, to announce to that Honble body the formation of this State. Likewise voted to invite Colo. Elisha Payne, to accompany the above persons for the purposes Above Written.

Voted to adjourn this Council from this place to meet at Arlington on Tuesday the Seventh day of April next to meet at the Dwelling house of Elnathan Murwin in said Arlington.

[The End of the Session Held at Windsor March 1778.]

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## RECORD OF THE GOVERNOR AND COUNCIL

AT THE

## ADJOURNED SESSION ARLINGTON, APRIL 7–11, 1778.[2]

STATE OF VERMONT, Arlington 9 April 1778.

*Sir*,—Mr. [Thomas] Brayton informs this Council that you have a side Saddle in your Custody which is his property. He says that he has procured sufficient Bonds to the Committee for the Maintainance of his family by which he is Intitled to Such of his Moveables as have not been Taken & disposed of by the Authority of this State previous to his procuring such Bonds. Therefore you are required to Diliver the Saddle

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Passed the bill impowering the Council to dispose of tory estates, and put the money into the Treasury of this State.

Voted that his Excellency the Governor and Council be impowered to chuse a Committee out of their own body to prepare matters to be laid before this House, at their next session.

[The House adjourned to the first Thursday of June ; but the Council for a special session in April.]

[1] From the *Assembly Journal :*

Voted, that the Governor and Council be and are hereby impowered to act respecting tory lands, as they shall judge proper or advantageous to this State, and do justice to the persons that owned said lands.

Voted that the bill presented to this house by Lieut. Govr. Marsh, be postponed until the next session.

Mr. Marsh was one of the committee appointed by the House on the first day of the session to count the votes for state officers and councillors. This fact indicates that he was the representative for Hartford. Deming leaves that town unrepresented at that session.

[2] The adjournment was to April 7, but no entry appears until the 9th. No quorum probably ; in fact the debenture account for this session shows only five councillors present.

to Mr. Brayton on Sight hereof, unless you have Sufficient Evidence that any part of his goods are reserved By the Committees of Safety for the Town of Clarindon.

By order of Govr. & Council,
MATTHEW LYON, *Asst. Sec'y.*

*To Mr. Sylvanus Brown.*

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STATE OF VERMONT. IN COUNCIL, Arlington 10th Apl. 1778.

Seth Whealer appeared before this Council to Answer to a Complaint of Capt. John Fassett, & confessed the Substance of the Complaint, & after Mature Deliberation do judge that he shall pay a fine of Ten pounds and Cost of Prosecution Taxed at £ 7 19 10.

Attest, M. LYON, *D. Sec'y.*

STATE OF VERMONT. IN COUNCIL, Arlington 10 Apl. 1778.

*Sir*,—You are hereby required to Call to your assistants two sufficient able bodied effective men, and such as you can repose the Greatest Trust & Confidence in, & with them immeadiately to proceed to the Green Mountain East of this place & from thence you are to proceed to the North, & to Search the Woods Critically & diligently, & in case you or Either of your party shall make discovery of any person or persons who have voluntarily heretofore gone over to the Enemy, & are now within this State as Spies, or otherwise, that you secure any such person or persons, & him or them bring forthwith before this Board to be further Dealt with according to Law. And you are hereby authorized & impowered to Call to your assistance such of the Militia of this State as you may from time to Time find Necessary to Carry this Measure into effectual Execution, & if at any Time you should find Necessary you are to Immediately post away the Intelligence of your Situation and the discoveries you have made to the Govr. of this State ; & you are hereby further directed & impowered to Administer an oath of secrecy to the persons whom you shall Take to your assistance ; & you are likewise to secure any other person or persons whom you may judge to be Enemies to this or the United States of America.

THOMAS CHITTENDEN.

*To Capt. Ebenezer Wallace.*
Attest, M. LYON, *D. Sec'y.*

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STATE OF VERMONT. IN COUNCIL, Arlington, April 11 1778.

*Sir*,—You are hereby directed to Give William Irish a Pass to Carry his Family down the Country to Spenser Town, & then to return to you again as quick as Possible, & set the Time when he is to Return.

By order of Govr. & Council, M. LYON, *D. Sec'y.*

*Capt. Saml. Robinson.*

STATE OF VERMONT. IN COUNCIL, Arlington, April 11, 1778.

This Council is Adjourned to Monday the 20th day of this Instant April to meet at Mr. Leonard's in this Town.

By order of Govr. & Council, M. LYON, *D. Sec'y.*

STATE OF VERMONT, Arlington, 11 April 1778.

*The Debenture of Council.*

| | | | |
|---|---|---|---|
| Honble Joseph Bowker, Esqr. | £6 | 0 | 0 |
| Honble Jonas Fay, Esqr. | 3 | 9 | 0 |

| | | | |
|---|---|---|---|
| Hon^ble Moses Robinson, Esq^r. | £3 | 9 | 0 |
| Hon^ble Jeremiah Clark, Esq^r. | 5 | 8 | 8 |
| Hon^ble Timothy Brownson, | 0 | 10 | 6 |
| Matthew Lyon 4 days. | | | |

Attest, MATTHEW LYON, *D. Sec'y.*

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# RECORD OF THE GOVERNOR AND COUNCIL

AT THE

## ADJOURNED SESSION AT ARLINGTON, APRIL 20 TO MAY 1, 1778.[1]

STATE OF VERMONT. IN COUNCIL, Arlington, 22^d Ap^l. 1778.

We hav Rec^d a petition from the Inhabitants of the Towns on Otter Creek North of Pittsford dated April 13 1778; and having Considered the Petition & their present Circumstances do advize said Inhabitants that as Soon as they can Come within our Lines, they improve the opportunity. It does not at present appear to this Council, that we can Guard further North than Pittsford & Castleton. Therefore you will Conduct your selves accordingly. We shall give orders to the officer now Commanding our party to the North, & shall Continue such orders to any officer Commanding by Commission under this State, to Give all possible assistants to you in moving until to [you] have had an opportunity to come in, which if you do not improve you may expect to be Treatted as enemies.

By order of Gov. & Council, M. LYON, *D. Sec'y.*

*To the Inhabitants to the North of Pittsford on Otter Creek.*

Another letter of the Same Substance & date sent to the Inhabitants of Panton, Addison and Bridport.

Attest M. LYON, *D. Sec'y.*

STATE OF VERMONT. IN COUNCIL, Arlington April 22^d. 1778.

*Dear Sir*, —In consequeuce of intelligence Rec^d at several different times from the Northward, I have ordered the Militia (who are now on their March) to your assistance. I have sent the Medicine & Dressings for the use of the Corps under your Command, Bandages are not to be had, you will therefore (if Necessity requires) Take such as can be Spared by the Inhabitants taking a particular account of the Quantity & Its Value that it may be paid for. I send you also one hundred of Cattridges, I hope will be sufficient for your purpose until you will be further Supplied from hence, which is now on the way. I have not the Least Doubt of your Military skill, & the Conduct & spirit of the officers & soldiers under your Command, & that with your exertions, in Conjunction with those sent to your assistants, you will be able (with the Blessing of God)

[1] No entry made of proceedings until April 22.

to protect the Inhabitants against the fury and Rage of Savages & Diabolical Tories until Seasonably Relieved. I heartily wish you Success.
And am Dr Sir your very Humble Servant.
THOMAS CHITTENDEN.

*Capt. Ebenr Allen.*
Copy Attest, M. LYON, *D. Sec'y.*

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STATE OF VERMONT. IN COUNCIL, Arlington 22d. Apl 1778.

Such People to the Northward as have Wheat or flour, which they Want to Change for Flour at Bennington, should Diliver the Same to Mr. Elisha Clark N. D. Commissary for the Party at Pittsford Rutland &c., taking his Rect therefor, specifying the quantity and Certifying that it was Borrowed for the use of the Army, & his order thereon to the Commissary of Issues at Bennington dessiring to Diliver to such persons the Same Quantity as he has Recd of them.
By order of Govr & Council,
M. LYON, *D. Sec'y.*

*To whom it may Concern.*

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STATE OF VERMONT, Arlington April 23d, 1778.

Adjutant Joseph Fay Appeared before this Council & took the necessary oath of office and Recd his Commission.
Attest, M. LYON, *D Sec'y.*

23d.

Colonel Herrick is ordered to direct Lt. Colo. Walbridge to Lead the 2d Company in Bennington to a Choice of Captain.
Attest, M. LYON, *D. Sec'y.*

STATE OF VERMONT, Arlington 23 April 1778.

Capt. Ebenezer Wallace[1] Brought an account for Service done according to orders he Recd from this Council of the 10th of March [April] 1st. to the amt of £ 15 15 0 which is Granted & the Treasurer ordered to pay the Same. Attest, M. LYON, *D. Sec'y.*

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STATE OF VERMONT. IN COUNCIL, Arlington 24 April 1778.

Whereas it has been Represented to this Council by Austin Sealey, that you have Taken from him a Cow & Calf which is Either the property of this State or his Son, this is therefore to request and order you to diliver the Cow & Calf to sd Sealey, or to appear before this Council to give the Reasons why you withhold sd Cow & Calf, forthwith.
By order of Govr & Council,
MATTHEW LYON, *D. Sec'y.*

*To Abraham Mattisson, Pownal.*

24

The Honble Moses Robinson Esqr., took the Oath of Alegiance & office & signed the Religious Test.

24

The Express sent to the Lt. Governor is Consigned to the Care of Capt. Sawyer, Clarindon. [The express referred to seems to have been to bear

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[1] Capt. EBENEZER WALLACE of Arlington was one of the Arlington party charged in New York with rescuing Remember Baker from John Munro. His name appeared later with the title of Colonel.

the letter ordered by the following resolution, which appears next on the record. The letter itself was recorded erroneously as of 24th *May*, instead of April, as the date of the memorandum as to the express above shows.] Attest, M. Lyon, *D. Sec'y.*

Resolved that his Excellency the Governor write to [Lieut.] Gov. Marsh to acquaint him that it is the Resolution of this Council that the whole of the Troops that were to be raised to fill Col°. Warner's Regiment to March forthwith to Rutland, which is the Resolution of this Council, & Governor Marsh is to be requested & ordered to order the officers commanding the Said Troops to March them to be raised in Cumberland County to Rutland, and the Governor is to order the Commanding officer of the Two Regiments in this [Bennington] County to order their men Immeadiately to March. Attest, M. Lyon, *D. Sec'y.*

Arlington, 24 May [April] 1778.

*Sir*,—In consequence of orders from the Hon^ble^ Major General Gates, the Continental Battalions at Albany are Marched to Peekskills and Colonel Warners Regiment to Albany. Your honor is no Doubt sensible the Term for which the Corps under Capt. Allen's Command were engaged expires the 2 day of May next, after which Term they cannot be prevailed upon to remain. When these several circumstances come to be duly Weighed, and considering at the same time, that several of the Enemies Armed Vessels are now at and about Crownpoint and Tyconderoga, which has already occasioned an alarm through the whole Militia of this state, that some effectual measure be immediately adopted for the Protection of Its frontiers; I have by the advice of my Council wrote the Commanding officer of the Northern Department, Requesting the assistance of Col°. Warners Regiment, or some other Continental Regiment for that Service. I have Rec^d^ accounts from Major Gen^l^. Conway at Albany that it is not intended to remove Col°. Warners Regiment out of this State except for some tempery [temporary] service, but since it is out of my power to Determine the Length of a pice of Tempery service, am therefore of opinion with this Council that it is absolutely necessary that the Troops ordered by the General Assembly to be raised within this State & added to Colonel Warner's Regiment for seven Months Service to be forthwith ordered to be filled up and Marched without the Least delay to Rutland for the purpose aforesaid. You are therefore hereby desired and Commanded to cause the number of Troops ordered to be raised in the County of Cumberland for the purpose aforesaid to be immeadiately filled up (if not already Compleated) & order their officers to March them by the Shortest & most Convenient Route to Rutland aforesaid where they will join those Troops ordered in the County of Bennington, where they will Receive further orders from me. As I flatter myself the Troops are nearly or quite compleated I make not the least Dout but they will be on their March by the 1^t^ day of May next with Provisions sufficient for their March to that place where they will be duly Mustered and Receive Provisions and ammunition. Should the Companies be [not] already Compleated, you will forward those already raised with proper officers, and hurry the Compleation of the Number ordered. You will Let me know the Time the Troops will arriv at Rutland that Provisions may be ready for their reception. The papers directed to the Commanding officer of the County of Glouster, as forwarded to you, your Wisdom will direct their use.

I am Hon^ble^ Sir your most Ob^t^. Hum^ble^ Servant,

Thomas Chittenden, *Cap^t^. Gen^l^.*

*To Lieut. Gov. Joseph Marsh.*

STATE OF VERMONT. IN COUNCIL, Arlington 24 Aprl. 1778.

*Sir*,—Whereas Colo. Warners Regiment is ordered to Albany for the Present, & whereas there is Absolute Necessity of a number of men to be immeadiately sent to Guard the Frontier Inhabitants of this State in as much as the Time for which Capt. Allen & Capt. Clarks men were Engaged Expires the Second day of May next, after which Time they cannot be prevailed with to remain there Longer, therefore you are hereby directed & ordered to immeadiately Raise fifty-seven able bodied men which were ordered to be raised in the 2d Regiment by the General Assembly of this State which you now have the honor to Command, & cause them to be properly officered by some of the Militia officers of your Regiment & every way equiped for a Campaign & order them to March to Rutland as quick as possible where they will be joined by the other Troops ordered to be raised by this State, the said Militia officers to Continue in Service until the Rising of the Adjourned Sessions of Assembly, (which sits the 4 day of June next) unless sooner discharged.

By order of Govr. & Council, M. LYON, *D. Sec'y.*

*To Colo. Samuel Herrick.*

Orders of the same Tennor & Date (of the above) Issued to the Colo. of the 5 Regiment of Militia except 60 men in Lieu of 57.

Attest, M. LYON, *D. Sec'y.*

STATE OF VERMONT. IN COUNCIL, Arlington 24th Apl. 1778.

*Sir*,—You are hereby commanded to March the Troops under your Command to the assistance of Capt. Ebenezer Allen, in the Northern Frontiers of this State, where you will continue for the Protection thereof, and to assist in Removing such families within the Lines of Defence as you find in your Power, having always Reference to the necessitous circumstances of such families who are unable to help themselves; in doing of which you are to be particularly cautious that the effects of such Families be kept as Compact, & with as much Safety as possible. You will Continue in Service twelve days from the 22d of this Instant, or more if you find it Necessary unless you shall Receive Counter orders from this Board. Those who give their assistants in Removing the Families will be Supplied with provisions by such Families until Provisions arives for those Troops (as well as for the Corps under Capt. Allens Command) which is now on the way.

By order of Govr. & Council, M. LYON, *D. Sec'y.*

*To Capt. N. Smith.*

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STATE OF VERMONT. IN COUNCIL. Arlington, Apl. 25 1778.

*The Debenture of Council.*

| | | |
|---|---|---|
| Honble | Joseph Bowker | £4 19 0 |
| do | Thimo. Brownson | 5 5 0 |
| do | Moses Robinson | 5 10 0 |
| do | Jonas Fay | 6 11 0 |
| do | Jeremiah Clark, | 3 7 0 |
| | M. Lyon D. Sec'y. 5 days. | |

M. LYON, *D. Sec'y.*

ARLINGTON, 25 April 1778. }
STATE OF VERMONT. IN COUNCIL date above. }

Peter Roberts Commissioner of Sequestration is desired to Allow Ephraim Mallery to Live one Month in the house formerly his property.

ARLINGTON, April 27th 1778.

*Dear Sir*,—Yours of yesterday's date is now on the Table, in which you inform of the Rect. of the order sent you from this Council, in which you talk of difficulty and impossibilities. I am very sorry to hear that any thing Resolved on by the General Assembly of the Representatives of the freemen of this State, should be thought by you difficult and Impossible. As to the time of Service mentioned in your Letter, I cannot Determine which you mean, officers or soldiers. That is Clearly set forth in your orders. If you mean soldiers, that is Seven months from the fifth day of May next. Their wages is to be four pounds for a Soldier and in proportion for non Commissioned officers. What the Continent does not allow, this State will to that amount. It is the orders of the Assembly that those men be raised, each Town giving their own quoto what shall be by them thought to be an equivolent for their service, For an incouragement. The Assembly have made the Resolve Concerning those men, & it is not in the power of this Council to alter it Materially, as you know ours is the Executive part, theirs the Legislative. I cannot say but they may alter their plan at their next Session. I expected the Honorable Jonas Fay & Moses Robinson would have informed you sufficiently on that head. While this letter was writing Recd one from Capt. Allen which informs that it is his design to dismiss his men when their time is out, & is very Loath to Leave the Ground until properly returned. Therefore it is of the Utmost importance that the men are raised immeadiately for the Security of our frontiers, before any Alteration can be made. I expect you will Loose no time in performing the orders you have recd from Council. As to the officer or officers to Command the Whole, it is not known. These are not appointed, but will be Seasonably. I am, &c.

THOMAS CHITTENDEN.

*To* ——— ———.

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[April] 28.

Mr. Joseph Smith is to Sell the wheat that he has seized formerly the property of Joseph Lewis, now stored at widow Potters & pay Mr. Sprague two pounds five shillings & six pence L. Money, & as much to himself & the remainder to send by a Safe hand to the Treasurer of this State as soon as may be, the money to be paid to Mr. Sprague & Mr. Smith is for Travel to Bennington & Giving Evidence against sd Lewis. By order of Governor & Council, M. LYON, *D. Sec'y*.

[April] 28.

Capt. Ebenezer Wallis, Lt. Thomas Butterfield & Ensign James Hawley have Taken their Commissions & the oath of Fidelity and office.

Attest, M. LYON, *D. Sec'y*.

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STATE OF VERMONT, Arlington 29 April, 1778.
IN COUNCIL date above.

*Sir*,—Your Letter of the 3d, Instant was Delivd me the 4th. I have remarked the Contents & thought proper to omit an answer until I could obtain further intelligence from the Commander in chief of the Northern department of the necessity of urging the immeadiate raising the quoto of men ordered by the General Assembly of this State for Recruiting Colo. Warners Regiment. I have now before [me] General Gates Letter of the 18 instant earnestly requesting me to Draft three hundred men to Recruit Colo. Warner's Regiment, & that nothing might retard their

immeadiate joining him when they would receive General Starks orders who Commands in this department under the Direction of General Gates. I immagine [this] was in consequence of inteligence he had privately rec$^{d}$· of the order of the General Assembly to raise the Same three hundred men for the Same purpose. The quoto assigned for that purpose in this County are Compleated and have been Some time in Service at Rutland under the Command of Captain Brownson with part of Col$^{o}$· Warners Regiment.

Col$^{o}$· Olcott writes that should he attempt to Draught the number ordered from his Regiment, they would Engage with Col. Beedel.[1] I however flatter myself that Col. Olcott must be sensible that whenever such men are thus drafted, they are held by virtue of such draft & that Col$^{o}$· Beedel cannot be Ignorant that he has no Right to Countenance such a measure. I have wrote General Stark on the Subject of raising the men agreeable to General Gates request who much approves the measure, & earnestly urges an immeadiate compliance. The absolute necessity of this reasonable request, & the honor that will of Course acrue to this State, oblidges me to renew my directions to you to forward what Troops you have already engaged to Rutland without the least delay & to forward the compleating the quoto as soon as may be.

I have wrote General Stark the number now in Service, & the Encouragement you wrote me of furnishing a Considerable number more soon—who has Communicated it to General Gates. I am Satisfied by repeated marks of friendship & the Inteligence rec$^{d}$ by Col$^{o}$· Allen (who is now present,) that no ill is likely to happen to this State by authority of Congress.

I hope to have the Happiness of Your Company next week with the other Gentlemen of the Council, & I am Sir,

Your mos Ob$^{t}$· Hum$^{ble}$ Servant, THO$^{s}$· CHITTENDEN.

*M. Gen$^{l}$ Marsh.*[1]

Attest, M. LYON, *D. Sec'y*·

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ARLINGTON 1$^{t}$ May 1778.

*The Debenture of Council.*

| | | | |
|---|---|---|---|
| Hon$^{ble}$ Joseph Bowker, Esq$^{r}$· | £4 | 4 | 0 |
| Hon$^{ble}$ Tim$^{o}$· Brownson, Esq$^{r}$· | 3 | 13 | 6 |
| Hon$^{ble}$ Jeremiah Clark, Esq$^{r}$· | 5 | 9 | 0 |
| M. Lyon D Sec'y· 5 days. | | | |

[1] Col. Timothy Bedel of New Hampshire.

[1] The editor is not aware of any legal authority for giving the title of major-general to Mr. Marsh. He is styled colonel in the record, in the journal of the House, of his election as deputy-governor. The governor was by virtue of the constitution "commander-in-chief," and it is surmised that governor Chittenden imagined his lieutenant in the executive office should have the military title of major-general.

# RECORD OF THE GOVERNOR AND COUNCIL

AT THE

## ADJOURNED SESSION AT ARLINGTON, MAY 22–3, 1778.

Arlington 22d May, 1778.

*Dear Sir*,—In consequence of a Letter recd last Evening from Major General Gates dated Fishkil the 18 Instant, requesting me to draft three hundred men to recruit Colo Warners Regiment, I have called my Council Together this morning for their advice in the matter. The General Assembly of this State at their Sitting in March last, ordered 300 men exclusive of officers to be raised for seven months service to join Colo Warner's Regimt the 1t Instant. The quoto assigned the west side the mountain, being one hundred & fifteen, are compleated and now acting in Conjunction with 40 men of Colo Warner's Regiment now under the Command of Capt. Gideon Brownson at Rutland. At the time the quoto ordered on the East side of the mountain in this State should have been raised Col. Beedel received orders from the Marquis De La Fayette to recruit a Regiment by which he has raised three hundred and ninety nine men, a very considerable part in this State as appears by his particular return to me of the 14 Inst which has retarded the raising the quoto on the east side. He writes vizt. "We are ready on the shortest notice to assist you against any force that may come from the Lake against you, as some of my scouts have discovered parties on the Lake & in the Woods." Should Major General Gates mean to have the Troops already raised Marched to Albany, the Inhabitants on the Northern Frontiers cannot be prevailed upon to remain in their Inhabitations, which must not only create much cost & uneasiness to them but prevent their raising a Considerable quantity of Provision for their own & the publics use. Would beg your honors opinion in the premises,

& I am Dr. Sir your honor's most
Obedient Humble Servant,
THOMAS CHITTENDEN.

P. S. I am informed that Colo. Beedels men are not in actual Service for Want of Provisions, except some small Scouts. Capt. Putnam will Let your honors know the matter more particularly.

[No address on the record.] T. CHITTENDEN.

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STATE OF VERMONT. IN COUNCIL, Arlington 22 May 1778.

*Sir*,—David Bradley in Behalf of the Inhabitants of N. Haven & Ferrisburgh, applies to this Council for liberty for those Inhabitants to remain in their possessions at present as by reason of the Situation of some of the Women it is impracticable for them to remove. You will please to Allow such Indulgence to such persons as you shall from time to time find their necessities require. I need not caution you against the Henious crime of soldiers Plundering the Inhabitants.

I am with regard your Humble Servt,
THOMAS CHITTENDEN.

*Capt. Gideon Brownson.*

STATE OF VERMONT. IN COUNCIL, Arlington 22d May 1778.

*Dear General*.—I am informed by the bearer hereof Capt. Putnam (who acts in the Capacity of quarter-master) that there is no Supplies of money in his hands to enable him to forward provisions to the Troops in the

Northern frontiers ; and as it is of Necessity that such provisions be conveyed to the Troops, I therefore beg your honors assistants in furnishing money for that purpose.

I am Dear General your most Obt Humble Servt,

THOMAS CHITTENDEN.

*Brigadier Genl. Stark.*

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STATE OF VERMONT. IN COUNCIL, Arlington May 23d, 1778.

*The Debenture of Council as follows, vizt.*

| | | | |
|---|---|---|---|
| Honble Moses Robinson, Esqr. | £2 | 7 | 0 |
| Honble Timothy Brownson, Esqr. | 1 | 2 | 0 |
| Honble Jonas Fay, Esqr | 1 | 17 | 0 |
| Honble Jeremiah Clark, Esqr. | 4 | 0 | 0 |

Matthew Lyon, D. Secy, 1 Day & half.

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## RECORD OF THE GOVERNOR AND COUNCIL,

AT THE

## ADJOURNED SESSION AT ARLINGTON, MAY 28, 1778.

ARLINGTON, 28 May 1778.

*Names of the Officers of the 2d Regt. of the Militia of this State.*

Colonel Samuel Herrick.
Lt. Colonel Ebenezer Walbridge.
Major Gideon Olin.
Adjutant Joseph Fay.
Q. Master John Burnham.

*1st Company in Bennington.*

Capt. Samuel Robinson.
1 Lt. Gideon Spencer.
2d Lt.
Ensn Joseph Hinesdel.

*2d Comy. Bennington.*

Capt. Wm. Hutchins.
1t Lt. N. Filmore.[1]
2d Lt. Joseph Ruder.[2]
Ensn Lib Armstrong.

*1t Comy in Shaftsbury.*

Capt. Abiather Waldo.
Lt.
Ensign John Sunderland.

*2d Comy. in Shaftsbury.*

Capt. Jonas Galusha.
Lt. Gidn Lyon.
Ensn Nathan Stone.

*1st Comy in Pownall.*

Capt.
Lt.
Ensign

*2d Comy in Pownall.*

Capt.
Lt.
Ensn

*Arlington [Company.]*

Capt. Ebenr. Wallace.
Lt. Thomas Butterfield.
Ensign James Hawley.

*Sunderland Comy.*

Capt. Daniel Comstock.
Lt. Eli Brownson.

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[1] Nathaniel Filmore, grandfather of President Filmore.

[2] Joseph Rudd in *Vt. Hist. Mag.*, p. 153.

*Names of the officers of the 5th Regiment of this State.*

Colo. Gideon Warren.
Lt. Colo. James Claghorn.
Major Nathan Smith.
Adjutant Jona. Saxton.
Q. Master George Foot.

1st *Comy. Manchester.*
Capt. Gideon Ormsby.
Lieut. Solomon Soper.
Ensn William Saxton.

2 *Company Dorset.*
Capt. Abraham Underhill.
Lt. Richard Dunning.
Ensn Ephraim Reynolds.

3d *Comy. Reuperte.*
Capt. Tapan Noble.
Lt. Enoch Eastman.
Ensn Moses Robinson.

4 *Company Tinmouth.*
Capt. John Spafford.
Lt. Samuel Allen.
Ensn Orange Train.

5 *Company Rutland.*
Capt. Simeon Wright.
Lt. Samuel Campbell.
Ensn. Nathaniel Blanchard.

6 *Company Pawlet.*
Capt. John Stark.
Lt. Samuel Willard.
Ensn. Joel Harmon.

7 *Company Clarindon.*
Capt. Thomas Sawyer.
Lt.
Ensn.

8 *Company Poultney.*
Capt. Zebediah Dewey.
Lt. James Brookings.
Ensn. Wm. Ward.

9 *Company Pittsford.*
Capt. Benjamin Cooley.
Lt. Moses Olmsted.
Ensn. James Hopkins.

10 *Company Rutland.*
Capt.
Lt.
Ensn.

11 *Company Wells.*
Capt. Daniel Culver.
Lt. Abel Meriman.
Ensn. Zaccheus Malery.

12 *Company Danby.*
Capt. Stephen Corkins.
Lt. Isaac Guage.
Ensn. Thomas Rowley.

13 *Company Castleton.*
Capt. Ephraim Buel.
Lt. Israel Hulbert.
Ensn. Gershom Lake.

14 *Company Neshoba.*
Capt. Thomas Tuttle.
Lt. Nathan Daniels.
Ensn. Amos Cuttler.

15 *Company Wallingford.*
Lt. Abram Ives.
Ensn. Abraham Jackson.

16 *Company Sandgate.*
Capt.

In Council Arlington 28 May 1778.

*To Capt. Jesse Sawyer:*—You are hereby directed to Engage five Soldiers to go with you in Search of Enimical persons to the North of this such places as you shall think proper, & make returns of your proceedings within six days to this Council. Thos. Chittenden, *Gov'r.*
Attest, M. Lyon, *D. Sec'y.*

Arlington, 28 May 1778.
State of Vermont. In Council date above.

Whereas it has been represented to this Council that the wife of Jeremiah French late of Manchester (now in armes with the Enemy,) is very turbulent & Troublesome where she now is, & refuses to obey orders—

*To Mr· Stephen Washburn:*

*Sir*,—You are hereby Commanded to Take said Woman and her children that are now in Manchester & Transport them to Head-quarters at Rutland & there diliver them to the commanding officer who will order a party of the men under his command to transport & guard them to some convenient place on the East side of Lake Champlain when she can go to the enemy in order to git to her husband, and also take of her Moveable Estate formerly the property of s^d^· French now in her possession, two feather beds and bedding not exceeding Eight Sheets, six Coverlids or blankets, 5 plates, two platters, two basons, one Quart Cup, & knives & forks if she has such things, her own & her childrens Wearing apparril. The rest of the moveables belonging to s^d^· Estate you will sell to the best advantage in order to Defray the charge of Transportation of her & family. You will keep exact acct^s^· & the overplus you will pay to the Treasurer of this State.

By order of Gov^r^· & Council, M. Lyon, *D. Sec'y*·

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# RECORD OF THE GOVERNOR, DEPUTY GOVERNOR, AND COUNCIL

AT THE

## ADJOURNED SESSION OF THE GENERAL ASSEMBLY

At Bennington, June, 1778.

Bennington 4 June 1778,
State of Vermont. In Council, date above.

*To Benjamin Fay, Esq^r^·, Sheriff of the County of Bennington.*

This Council have taken into consideration this day the within petition of David Redding now a prisoner under a sentance of Death, & do hereby in consequence, Reprieve him the said David Redding until thursday next the 11^th^ Instant June precisely at the hour of Two °Clock in the afternoon of said day. You are therefore hereby ordered to Suspend his Execution until that that Time.

By order of Council, Thos· Chittenden.

State of Vermont. In Council, June 5^th^ 1778.

*Sir*,—Yours of this day date, have rec^d^· In answer thereto would inform you, that Redding did petition the General Assembly of this State for a Rehearing in as much as he was Tried by a Jury of six men only. The members of Assembly not being come so fully before the time of his Execution, so as to Determine the matter, therefore this Council have reprieved s^d^ Redding from being executed until Thursday next 2 °Clock in the afternoon. This Council do not Doubt in the Least but that the s^d^ Redding will have Justice done him to the satisfaction of the public. By order of Gov. & Council

Thos· Chandler, Jur·, *Sec'y*·

*Col°· Samuel Herrick.*

STATE OF VERMONT. [Bennington] June 6 1778.

*Sir*,—You are hereby ordered & directed forthwith, to furnish a Guard of Ten effective men, one Sergeant, one Corporal & eight privates with Armes & ammunition Compleat to Guard the stores & prisoners in s^d. Bennington, to remain in service one week unless sooner discharged.

By order of Gov^r. & Council, THO^s. CHANDLER, Ju^r., *Sec'y.*

BENNINGTON 6 June 1778.

*Sir*,—You are hereby required to furnish four effective men of your Reg^t. to join & do duty with the Guard at this place, this night, & until 8 ^oClock Tomorrow Morning or until you may furnish a Guard for a longer time agreeable to a former order from this Board.

By order of Gov^r. & Council, THO^s. CHANDLER, Ju^r., *Sec'y.*[2]

BENNINGTON 8 June 1778.
STATE OF VERMONT. IN COUNCIL date above.

Voted to Allow Capt. Ebenezer Allen Eight shillings for Each man he inlisted into the ranging service Last fall. Voted to choose a Committee to settle accounts with Capt. Ebenezer Allen. Choose Col^o. Robinson & Doct. Spooner for said Committee.

June 9^th.

Voted to choose a Committee to Draw a Congratulatory letter to Col^o. Ethan Allen[1] on his arrival from Captivity. Choose Doct. Jonas Fay Esq^r. & Col^o. Moses Robinson Esq^r. for said Committee.

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[1] The record does not show to whom these two orders were addressed. Samuel Herrick was colonel of the regiment which embraced Bennington, and he made inquiries concerning Redding's case on the previous day, probably to elicit such a reply as would allay excitement. The tradition is that the people were very much excited, and, to appease them, ETHAN ALLEN mounted a stump and promised that, if Redding escaped, he would be hung himself.—See Slade's *State Papers*, p. 269.

[2] The birth of ETHAN ALLEN at Litchfield, Conn., Jan. 10, 1737–8; his coming to Vermont about 1766; his daring, persistent, and successful resistance to the exactions attempted by New York upon the proprietors of lands granted by New Hampshire; his capture of Ticonderoga; his failure in the attempt to capture Montreal in September 1775, and his consequent confinement as a prisoner to the British until the 6th of May 1778; his vigorous and successful repression of resistance to the authority of Vermont in Cumberland [Windham] county in September 1782; and his sudden death in February, 1789,* in the full vigor of manhood: these are the leading events in his life; but these and other events, anecdotes, traits of character, and accounts of his writings, are familiar already to Vermonters who care to know his history. The details of his public and private life, including his writings, would make several volumes, and any attempt to do justice to him, within the limits of a note here, would utterly fail. It has doubtless occurred to the reader of every biography of Ethan Allen yet published, that his public services, for the

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*The date of Allen's death is variously stated, as of the 11th, 12th, and 13th of February, 1789.

[June] 9.

Resolved that Colonel Ethan Allen be & is hereby chosen to act in the Capacity & do the duty of States Attorney in the cause depending

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more than ten years after his release from imprisonment, were far less prominent than in the like period preceding his capture, and the impression may prevail to some extent that he had lost somewhat of his energy and zeal, both for the nation and the state. On this point something may properly be suggested. It is true that his patriotism was doubted in the closing months of 1780; that he was arraigned before the General Assembly, when he resigned his commission as general of the Vermont militia, because "there was uneasiness among some of the people upon account of his command." The proof stands upon the journals of the General Assembly that he was very indignant that, as he said, "false and ignominious aspersions against him" were entertained for a moment; but there, also, the proof stands of his acquittal, of his consciousness that public confidence would in due time be restored to him, and of his readiness to give his best services when desired. On resigning his commission as general he said: "if the assembly thought best to give him the command at any time, he would endeavor to serve the state according to his abilities." Active war between Vermont and Great Britain was substantially ended at this time—in fact in October 1780, when our militia and volunteers were dismissed. Henceforth, until the general suspension of hostilities, diplomacy took the place of arms, and the state was successfully defended and the national cause subserved, by the so called Haldimand correspondence. Therefore no occasion occurred to require the military services of Allen against the British; and none could or did occur, except with the ancient enemies who had always been resisted by Allen. He *was* called upon in 1782, by the General Assembly and the Governor, to suppress these enemies in Windham county, and he met the call promptly. One more occasion, and the only one, happened in December 1781, when New York attempted force and was defeated. Nominally Allen was not in command, but he was present with the Vermont militia, and the allowance of his account against the state for services in that affair indicates that he was there by good authority. Undoubtedly his services were rendered on the request or approval of Gov. Chittenden.* These facts show that the pledge of Allen to the General Assembly in November 1780 was fully redeemed. He could render no other military services; and that otherwise he was as earnest and zealous as ever in sustaining the independence of the state and promoting its interests, is abundantly evident. He was one of the very few public men who were engaged in the Haldimand correspondence; and in this he was not merely the adviser of Ira Allen and Joseph Fay, but himself took part in the correspondence. The unions with New Hampshire and New York towns were parts of the state pol-

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* *Vt. Hist. Soc. Coll.*, vol. II, pp. 219, 296, 297.

Between this & the United States of America & David Redding, a prisoner to be Tried this day for enimical Conduct against this and said United States.

By order of the Gov^r. & Council,
THOMAS CHANDLER, Jur., *Sec'y.*[1]

Voted to Choose a Committee to Examine the acct^s. of Doct^r. Nath^l. Dickenson. Chose Doct^r. Jonas Fay & Doct^r. Paul Spooner for said Committee. THOMAS CHANDLER Jur., *Sec'y.*

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BENNINGTON, 12 June 1778.
STATE OF VERMONT. IN COUNCIL date above.

Resolved that Col^o. Timothy Beedele be impowered & he is hereby impowered to Take so much Wheat or other grain & meat or other Provisions (where on inquiry it can be Spared) any where within this State, as he may find necessary to enable him to comply with the request of the Governour, he paying a reasonable Price for the same to the person or persons from whom he shall receive such Grain, or other Provisions, from whom he shall receive such grain,[2] or otherwise give him or them a Rec^t. for the Same.

By order of Council, THO^s. CHANDLER, Jur., *Sec'y.*[3]

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icy at the same time, and these he defended by his pen. And finally, in November 1784, when the revolution had succeeded, and the controversy with New York was supposed to be ended, it was Ethan Allen who, by request of Gov. Chittenden, announced to the public the happy prospect, accompanying it with a brief defence of the past policy of the state government.* That he was not as prominent as in his earlier days was due, not to any change of his views or decay of his powers, but simply to the fact that occasions for like prominent and striking services did not occur in his later as in his earlier years. He was undoubtedly ready to serve the state with sword or pen to the last day of his life, with all the force of mind and muscle that he ever possessed. He was always a hero; and both patriotic and heroic to the last.

[1] Redding was tried on the 9th, by a full jury, of course, and convicted as a public enemy. Jeremiah Clark presided at the trial. Redding was executed on the 11th.—*State Papers*, 269; *Vermont Historical Magazine*, vol I. p. 234.

[2] Thus on the record, the words "from whom he shall receive such grain" being repeated.

[3] From the *Assembly Journal:*

Voted, in the House of Assembly, with the advice of the Council, that one hundred men out of Col^o. Beadles [Bedel's] Regiment, be sent to guard the frontiers, the west side of the mountain.

The first Union of New Hampshire towns with Vermont had been effected on the preceding day, and thus Bedel's regiment fell within the jurisdiction of Vermont, and must be supported by it. TIMOTHY BEDEL was Col-

**Vt. Hist. Soc. Coll.*, pp. 419, 420.

We the Committee appointed by The Honorable House of Representatives of the State of Vermont to Consider the petition of Mr. John Cannon, have dilivered [1] have deliberated thereon, and beg leave to offer our opinions as follows viz^t. that by all that appears to us our said petitioner is an honest man, a very Great Sufferer and a proper object of charitable redress, & ought in Justice to have some immediate help for the relief of his suffering family, but as we are unacquainted with the cost he hath been at and how far forth he hath been & still is disabled to help himself & family, we would recommend that there be some proper person appointed to confer with him and Examine into the Matter as to his cost, who thereby may be better accomplished to affix an adequate donation to him for his misfortunes, and make report to our next Sessions, at the same time Recommend that he have Twenty pounds paid him out of the Treasury of this State for the relief of his present necessity.

Bennington, June 12, 1778.

By order, BENJAMIN BALDWIN, *Clerk.*

*To his Excellency & Council.*[2]

STATE OF VERMONT, IN COUNCIL 12th June 1778.

*Dear Sir*,—Your favor of the 14th May is now before me, and I cannot but return you my thanks for the friendly sentiments and Communications therein expressed. I have rec^d. intelligence, that General Gates has ordered all the Continental Troops at Albany to repair to his camp, agreeable to which they have already Marched, by which means this extensive Frontier is left but very thinly Guarded, Colonel Warners Regiment being the only Continental Troops left in this department, and as there is great Danger that while the Grand movements are making to the Southward, the Enemy will Endeavor to distress these frontiers by scouting Parties thereby to divert our attention, and as covering the Grants on this side is a Grand Security to those on the other side the Green Mountains; and the connection between this State & a number of Towns on the East side of Connecticut river is compleated, should think

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onel of New Hampshire Rangers in the Canada campaign of 1775, and doubtless had seen considerable military service preceding that date. He appears occasionally in Vermont history, and was one of the persons with whom the British General Haldimand attempted to communicate, by Bedel's appointment, in the spring of 1782. The interview failed because Bedel said he was watched. He was one of the Vermont Board of War in 1781.—*Records of the Revolutionary War; Vt. Hist. Soc. Coll.*, vol. II, pp. 48, 267, 273.

[1] The words "have dilivered" have no sense here.

[2] Section eighteen of the Plan or Frame of Governmənt declared that the Governor and Council were "to expedite the execution of such measures as may be resolved upon by the General Assembly; and they may draw upon the Treasurer for such sums as may be appropriated by the House." The Governor and Council having the present functions of the State Auditor, it was necessary that every order of the House for the payment of money, or other matter to be executed, should be certified to the Executive body which was provided by section three of the Frame of Government, to wit: "The supreme executive power shall be vested in a Governor and Council."

it would be for the General Good that a part of your regiment be sent to Rutland to join those raised here for the present to be under my direction in Council, and accordingly, should take it as a favour, that after you have sent an hundred men to Albany, agreeable to the request of the General, you would send over such a part of the Remains of your Regiment as you can spare. I have consulted the Council & it is their opinion you may spare an hundred. Your compliance with the above will be a fresh Testimony of your attachment to this State. And well accepted by Dr. Sir your Humble Servant, T. CHITTENDEN.

N. B. Should be Glad you would give the Earliest notice of your compliance or non compliance with the above request.

*Colo. Beedel.* T. CHITTENDEN.

P. S. It is advised, that if you can send any assistants with your orders from General Gates, that you send them by Onion river, & so on to Rutland, which will serve as a Scout, & guard not only this, but your frontiers,[1] & to relieve & to Release them the same way as often as you think expedient.

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IN COUNCIL, Bennington 13 June 1778.

*Sir*,—Mr. Charles Wright of Pownal has this day been to me, & informs me that you are about to sell the farm, or improvements, formerly the Property of Samuel Anderson, or John Davoo, & that he the said Wright claims a part of said improvements, or that when he had his Lands surveyed by Capt. Samuel Robinson it covered a part of said improvements, which Capt. Samuel Robinson has now Testified to the Truth of. You will therefore desist from Selling that part which he Claims at present until the matter may be further Looked into from your Humble Servt, THOS. CHITTENDEN.

*To Mr. John Burnham.*

BENNINGTON 13 June 1778.
STATE OF VERMONT. IN COUNCIL.

*Sir*,—You are hereby Commanded to Cause to be immeadiately Draughted in your Regiment seventy three effective men (agreeable to an Act of the General Assembly of this State holden at Windsor the 24 day of March last) without the least delay & to see them properly officered & otherwise equipped & March them to Rutland where they will Receive further orders from the Commanding officer at that Post.

I am Sir your most Obt. Servant,
THOS. CHITTENDEN.

*Colo. Samuel Fletcher.*

[June] 13.

*Sir*,—Inclosed you have my particular order for Draughting seventy three men from your Regiment. I have recd. Inteligence this morning by express from Head Quarters at Rutland, that a Scout of 500 of the Enemy are now at Crown Point, who have Just returned from a Scalping Tour in Tryon County who have brought with them a Considerable number of prisioners. As it is depended on, that [they] will attempt an Immediate attack on our post at Rutland, I flatter myself you will not Loose one minutes time in executing such orders. Pray sir consider the distress of the Poor Frontier Inhabitants, who are hourly in Jeop-

[1] That is, on Connecticut river.

ardy of their lives, and let humanity inspire you to exert every faculty to give them immeadiate Relief.

I am Sir your Humble Servant,

THOS. CHITTENDEN, *Capt. Gl.*

*Colo. Fletcher.*

STATE OF VERMONT. IN COUNCIL, Bennington 13 June 1778.

*Sir*,—Please to Diliver the Bearer Mr. Jesse Belknap Ten pounds of Powder for the use of the Militia in Castleton.

THOMAS CHITTENDEN.

*To Mr. William Sherman, Commissary, Bennington.*

[June] 13.

*To Colo. Gideon Warren of the 5th Regiment in this State :*

*Sir*, – In pursuance of advice of Council & General Assembly of this State, you are hereby ordered to Draught 27 good effective men out of your Regiment, to be draughted out of the Towns of Dorset, Rupert, Sandgate & Manchester, & one Capt. to command them, who will be joined to one hundred men from Colo. Herricks Regiment & commanded by Colo. Herrick or his Lt. Colo. who will March them directly to Rutland for the Defence of the Frontiers, & Remain on the Ground Twenty days unless sooner discharged.

I am Dr Sir yours,

THOMAS CHITTENDEN, *Capt. Genl.*

N. B. By Computation the above number of 27 men amounts to every 6th man. T. CHITTENDEN.

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STATE OF VERMONT. IN COUNCIL, Bennington 13 June 1778.

*To Samuel Herrick Esqr. Colo. of the 2d Regiment in this State :*

In pursuance to the advice of Council & the General Assembly of this State, you are hereby ordered to Draught one hundred and one effective men out of your Regiment (it being one sixth part of the Militia) properly officered, and either Take the Command of them or order your Lt. Colo. to do it, to be Marched to Rutland with all speed, and Join Capt. Brownson's Party for the immediate defense of the Frontiers. You are to remain on the Ground 20 Days, unless sooner discharged. You will take under your Command a part of the Militia in Colo. Warrens regiment amounting to 27 men. I am Sir yours,

THOS. CHITTENDEN, *Capt. Genl.*

P. S.—The men Draughted from this Town & Pownal. Half a pound of Powder & Two pounds of Lead or Ball will be drawn out of the Store in this town. [For each man.][1]

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STATE OF VERMONT. IN COUNCIL, Bennington 15 June 1778.

Whereas in has been represented to this Council that divers Books & other effects, formerly the property of John Peters,[2] are now in the hands of

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[1] From the *Assembly Journal:*

*June* 13.—Voted, that Majr. [Gideon] Olin apply to the Governor and Council for directions relative to the support of Tory families, for the future.

[2] JOHN PETERS was doubly distasteful to Vermonters as a "Yorker" and a Tory. He resided in Mooretown [Bradford,] and was moderator of the first town-meeting of which the record has been preserved. He

the Committee [of Safety] of Orford, & Whereas we have understood that they are Willing to Diliver s^d^ effects to any Person properly authorized to receive the Same, We do therefore constitute & appoint Jacob Bayley Esq^r^· Commissioner to receive the same in behalf of this and the United States of America, & give his Rec^t^· therefor, & Allow a reasonable Compensation to said Committee for their Trouble in storing and securing the same, and make due Returns of your doings hereon at the next Sessions of Assembly to be holden at Windsor on the 2 thursday of October next. By order of the Gov^r^· & Council,

THOMAS CHANDLER, Ju^r^·, *Sec'y*·

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was appointed, by New York, justice of the peace March 16, 1770, and Oct. 26, 1774; a commissioner to administer oaths, March 17, 1770, and again April 10, 1772; assistant judge of inferior court of common pleas and county clerk, March 17, 1770; and in February 1771, he set out with judge John Taplin and sheriff John Taplin jr., [afterward of Berlin,] to hold Gloucester county court in Kingsland [now Washington.] He was made judge of the inferior court of common pleas, Oct. 26, 1774; and county clerk again March 5, 1772. He built the first sawmill in Bradford in 1772, on the south side of Waits river.—See *Eastern Vermont.*

Peters' account of his search for a court is as follows:

Feby. 25, 1771. Set out from Mooretown for Kingsland, traveled until night, there being no road and the snow very deep we travelled on snowshoes or rackets. On the 26^th^ we traveled some ways and held a Council, when it was concluded it was best to open court. As we saw no line it was not known whether in Kingsland or not. But we concluded we were far in the woods, we did not expect to see any house unless we marched three miles within Kingsland, and no one lived there, when the court was ordered to be opened on the spot.—*Doc. Hist. of N. Y.*, vol. 4. p. 1033; and *Early History*, p. 156.

The first and last histories of Washington (Thompson's *Gazetteer* of 1824 and the *Vt. Hist. Mag*, vol. II,) ignore the fact that Kingsland was a New York grant. This fact is correctly stated in Thompson's *Vermont*, with the additional item that a town plot was laid out in village lots. The township was in fact granted to King's college of New York city, and it covered quite a magnificent scheme for a location so high up amid the Green Mountains—a good one, however, for show. From this digression the reader may turn to the following, from Lorenzo Sabine's *Biographical Sketches of Loyalists:*

PETERS, JOHN, of Hebron, Connecticut. Born in 1740. A most devoted Loyalist. He went to Canada finally, and raised a corps called the Queens Loyal Rangers, of which Lord Dorchester gave him command with the rank of Lieutenant Colonel. At the peace he retired to England, and died at Paddington of gout in the head and stomach, in 1788. His property was confiscated. He left a wife and eight children, who, at the time of his decease, were at the island of Cape Breton. A notice of him concludes thus: "Rebellion and Loyalty are alike fatal to some families, and alike prosperous to others."

STATE OF VERMONT. IN COUNCIL, Bennington 16 June 1778.

*To Mr. Samuel Tubbs :*

*Sir*,—Pursuant to an order of the General Assembly of this State bearing date the 15 of this Instant, you are hereby required to diliver unto Doct$^{r}$· Jacob Roback the Cow that you have in your possession which belongs to this State, and you are to come and settle your accts. relative to s$^{d}$ Cow with this Council, & s$^{d}$ Doct$^{r}$· Ruback is to have the use of said Cow during the pleasure of said Council.

By order of Gov$^{r}$· & Council,

THO$^{s}$· CHANDLER, Ju$^{r}$·, *Sec'y*.

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STATE OF VERMONT. Bennington 17 June 1778.
IN COUNCIL, date above.

*To the Commissary of Issues in this town :*

*Sir*,—Please to Deliver to the bearer Capt. Robinson Twenty-seven pounds of Powder, & one hundred & eight pounds of Lead, it being to Supply 54 of the Militia (now under Marching orders) with Each ½ lb. Powder & Two of Lead. Your Compliance will Oblidge Sir yours.

THOMAS CHITTENDEN, *Capt. Gen$^{l}$*.

An order given To Timothy Moss in favour of the Town of Wells for 12 lb. Powder, 24 lb. Lead and 24 flints, on the above Commissary.

The above order returned not complied with.

STATE OF VERMONT. IN COUNCIL Bennington 17 June 1778.

*Sir*,—You are hereby ordered & directed to Draw out of the ammunition that is sent to the Northward 17½ lb. powder & 30 lbs. Bullets it being for 15 Soldiers that [are] under your Command to Guard s$^{d}$· Stores to Rutland. THOMAS CHITTENDEN, *Capt. Gen$^{l}$*.

*To Capt. Sam$^{l}$· Robinson.*

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STATE OF VERMONT. IN COUNCIL Bennington June 1778.

Upon the petition of Lurania McClane Praying to be discharged from her Late Husband John McLane for certain reasons Mentioned in her said petition, as by s$^{d}$· Petition on file may appear, he the s$^{d}$· John McClane being notified did not appear before this Council—This Council having considered the petition, & the Matter contained therein with the Evidences & their circumstances, do adjudge that the s$^{d}$· Lurania of Right ought to be discharged from the s$^{d}$· John McClane & he is hereby Divorced, and therefore Resolve and declare that the s$^{d}$· Lurania be discharged from him the s$^{d}$· John McClane, & that she has a Good & Lawful Right to Marry to another man.[1]

By order of the Gov$^{r}$· & Council, THO$^{s}$· CHANDLER, Ju$^{r}$·, *Sec'y*.

STATE OF VERMONT. IN COUNCIL 17 June 1778.

*To the Hon$^{ble}$ General Assembly of the Representatives of the freemen of said State:*[2]

We the subscribers by your honors appointed a Committee to examine into the Justice of the Petition of William Haviland bearing date

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[1] The first Vermont statute on divorce of which there is any record is the act of February 1779. That gave jurisdiction to the superior court.

[2] Section eight of the Frame of Government declared that the House of Representatives "shall be stiled the General Assembly of the Representatives of the Freemen of Vermont." The committee therefore

June 8th 1778 beg Leave to Report to your honors that it be our opinion according to the Evidence proved both for & against the said William Haviland that the said William have one half of the Grist Mill & one half the Mill Stones that are near s^d^ Mills, & one third of the Saw mill, half of the Land he purchased of Sergt. Henry Walbridge Exclusive of What Mr. Sage Bought of Joseph & William Haviland, & this State clear John Philips from the premises, & pay the said William forty pounds Lawful Money, & that William Haviland & Moses Sage pay the Workman, Mr. Rogers, their proper Share of the note given to said Rogers for the money due to him for building s^d^ Mill.

SIMEON HATHAWAY,
SAMUEL ROBINSON, } *Committee.*
JONATHAN WALDO,

Cost of Committee
Setting £4 10 0.

STATE OF VERMONT. IN COUNCIL, Bennington June 17 1778.

*To* [*Lieut.*] *Col^o^. Ebenezer Walbridge, Commissioner of Sequestration:*

*Sir*,—You are hereby directed to give up the Deed you now have signed by William Haviland, unto the said William Haviland, on consideration of the said William Haviland giving a Deed to Moses Sage, of what part he has Granted him, by the Report of the Committee chosen for to settle that affair, & Also to make a deed to this State, of one half of the remaining part of the Land improvements & Lands. You are also impowered and directed on your Tendering the money according to a former Judgment of the Grand Committee so called [1] to Dispossess John Philips that is now on the premises on the first day of November next.

By order of Council, THOMAS CHITTENDEN, *Gov^r^.*

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complied literally with this provision of the Constitution. The words "General Assembly" have ever stood in Vermont as the title of the body having the legislative power of the State, and hence in the early history meant the House of Representatives *alone*, and in the later embraced the co-ordinate branches, the Senate and the House of Representatives, and the Governor also, as his concurrence is asked in every act of legislation.

[1] The Governor and Council and House of Representatives were accustomed to meet together and consider some public matters, and such a meeting was called "the Grand Committee," in distinction from "the Joint Assembly" of the same bodies by which elections were made at a later date. The first constitution provided for neither the Grand Committee nor the Joint Assembly, and they must have been resorted to originally for convenience in the dispatch of business. At the October session, 1778, the custom was adopted, by resolution of the House, "to join the Governor and Council in Committee of the Whole." June 9, 1778, the Assembly took into consideration Wm. Haviland's petition, and it is probable the decision was made in "Grand Committee." Possibly the name was originally given to the Council of Safety and the Governor and Council, when trying cases appealed from other Committees of Safety or Commissioners of Sequestration.

In Council, Bennington June 17, 1778.

*To Nathaniel Robinson, Esqr·:*

You are hereby Authorized & Impowered to settle with the Committee appointed by a former County Committee in the County of Cumberland to Lease the estate of Crean Brush (who is deserted over to the Enemy) and after allowing them a reasonable Reward for their Services, to receive the money arising from said Leasings, and pay the Same into the Treasury of this State.

By order of the Govr· & Council,

Thomas Chandler, Jur·, *Sec'y.*

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State of Vermont. In Council, Bennington 18 June 1778.

Whereas it has been represented to this Council that divers Books & other effects (formerly the property of Crean Brush[1] & others now with

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[1] Crean Brush was another of the notorious "Yorkers" and Tories who resided for some time in eastern Vermont. He was born in Dublin, Ireland, about 1725, was educated for the bar, but held a military office previous to his coming to America, (New York city,) about 1762. He there married his second wife, Margaret Montuzan, who was widow of a colonel in the British army, and mother of the second wife of Ethan Allen. Brush was first employed by the deputy secretary of the province of New York, Goldsbrow Banyar, and in 1764 was licensed as an attorney in all the king's courts in the province. It is supposed he became associated in this profession with John Kelly, who also figured in the Vermont records. In 1771 Brush removed to Westminster, and in Feb. 1772 he was appointed clerk of Cumberland County *vice* John Chandler removed, and surrogate in April. His main pnrpose in coming to Vermont was to sell his lands there, many thousand acres having been acquired by him through New York grants. He was a member of the N. Y. colonial (royal) assembly from Jan. 5, 1773, to its dissolution, April 3, 1775. In this body he proved himself to be an able, eloquent, and influential member, but excessively loyal and violent in his measures against the Vermont whigs and adherents to the N. H. Grants. He wrote much for Rivington's *Gazette*, the tory organ in New York city, and his notoriety as a partisan scribbler was recognized in Trumbull's *McFingal:*

> Had I the Poet's brazen lungs,
> As sound-board to his hundred tongues,
> I could not half the scribblers muster
> That swarm round Rivington in cluster;
> Assemblies, councilmen, forsooth;
> *Brush*, Cooper, Wilkins, Chandler, Booth;
> Yet all their arguments and sap'ence
> You did not value at three half-pence.

Shortly after the commencement of the revolutionary war, Brush joined Gen. Gage at Boston, who employed him to remove and take charge of the property in the buildings which had been seized as winter quarters for the British officers and troops. Jan. 10, 1776, he wrote a

the Enemy$^{s}$ of the United States of America) are now in the possession of John Church Esq$^{r}$· of Charleston [Charlestown, N. H.,] & the Widow Mary Bellows of Walpole, [N. H.,] and Whereas we have understood that they are Willing to deliver said effects to any person properly authorized to receive the same, We do therefore constitute and appoint Paul Spooner Esq$^{r}$· Commissioner to receive the same in behalf of this & the United States of America, & give his Rec$^{t}$· and to allow a reasonable compensation to said persons for their Trouble in storing & securing the same, & make due returns of his doings hereon at the next sessions of Assembly to be holden at Windsor on the second thursday of October next. By order of the Governor & Council,

THOMAS CHANDLER, Ju$^{r}$., *Sec'y*·

BENNINGTON 18 June 1778.

*To L$^{t}$· Col$^{o}$· Walbridge:*

*Sir*,—You are hereby ordered & directed to Take the Command of the men Draughted from Col$^{o}$· Herricks Regiment consisting of one hundred and one men officers included and March them without delay to Rutland, within this State, & in conjunction with the Troops now at that place under the command of Capt. Brownson to guard the Frontiers in that quarter according to the best of your skill in war for & during the Term of Twenty days from your arrival at that place unless sooner discharged. Wishing you a good March am yours,

THOS. CHITTENDEN, *Capt. G$^{l}$.*

*Col$^{o}$· Ebenezer Walbridge.*

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STATE OF VERMONT. IN COUNCIL, Bennington 18 June 1778.

Voted that Doct$^{r}$ Jonas Fay, Col$^{o}$· Moses Robinson & Captain Ira Allen Esquires, be & they are hereby appointed a Committee to Inspect into the votes or doings of the several Conventions from————————— Together with the doings of the Council of Safety, (the present Council & house of Representatives,) and put them in Regular order, and Record them in Books for that purpose. 2$^{d}$ Voted that they be empowered to settle with the several Commiss$^{rs}$ of Sequestration in the County of Bennington (& vendue Masters) and Reappoint them or others in their Room, and to copy necessary acts to be dilivered to the Committees.

June 24.

*Sir*,—Please to diliver to Sergeant Griswold as much Provisions as Two Tory Prisoners may want during their confinement under Guard.

THOMAS CHITTENDEN, *Gov'r*·

*To the Commissary of Issues, Bennington.*

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memorial asking the command of troops, and, specially to be noted, a body of three hundred men to be posted on Connecticut river and open a line of communication from thence westward towards lake Champlain. Nothing came of this, because Brush became entangled in the business of the goods taken by him, many of his seizures being simply robbery, under the color only of authority. He attempted to escape in a vessel, but was captured by the British, taken to Boston for trial on charges against him, and confined in jail from April 12 1776 until Nov. 15 1777, when he escaped, (by his wife personating him as prisoner,) and went to New York. He gained no favor there, not even from the British commander, and in May 1778 he "with a pistol, besmeared the Room with his Brains."—*Eastern Vermont*, pp. 603–633.

# RECORD OF THE GOVERNOR AND COUNCIL

AT A

SPECIAL SESSIONS AT ARLINGTON, JULY 17 TO SEPT. 30, 1778.

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ARLINGTON, 17 July 1778.
STATE OF VERMONT. IN COUNCIL, date above.

This Council having Taken into their Consideration the Petition of the Inhabitants of Shaftsbury Prefered by Bliss Willoughby, as also the petition of the Inhabitants of Bennington Prefered by Capt. John Fassett, setting forth the diseffection of the minds of the Petitioners occasioned by the appointment of a certain number of Commissioners by the General Assembly of this State, at the last Session in June last, & vesting such Commissioners with Power to Banish within the Enemies Lines such persons as discribed in the Instructions to such Commissioners, refering to the above petitions & Instructions or act,[1]

And do thereupon Resolve, that it be & is hereby Recommended to the said Commissioners for the County of Bennington to dissist from any further Prosecutions by virtue of such appointment until the Rising of the Sessions of Assembly in October next, unless necessity in some particular Instance or Instances should urge this Council (before that time) to recommend the Setting of said Commissioners to prosecute the business of their appointment, in which case it is hereby Recommended that any future Tryal be by Jury if Required.

By order of Council,

M. LYON, *D. Sec'y.* THOS. CHITTENDEN.

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ARLINGTON, July 18 1778.
STATE OF VERMONT. IN COUNCIL, date above.

Resolved that James Breakenridge, Ebenezer Cole & John McNeil, on Petition be & are hereby Required [reprieved] from their several sentences of Banishment passed on them by the Hon^ble^ Court of Commissioners appointed for that purpose by the General Assembly of this State, until the first day of September next.

By advice of Council,

M. LYON, *D. Sec'y.* THOS. CHITTENDEN.

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IN COUNCIL, Arlington 22 Aug^t^. 1778.

Resolved that Jonas Fay, Benjamin Carpenter & Ira Allen Esq^rs^ be appointed a Committee, & they or any two of them are hereby appointed & fully authorized to Adjust and Settle all the pay Rolls in Col^o^. William Williams Reg^t^ of Militia for all past Services, when this State have

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[1] No record of any act authorizing "Commissioners" for such purpose is found in the Assembly journal for the June session; but "Col^o^. Peter Olcott, Bezaleel Woodward Esq^r^., Maj^r^ Griswold, Patterson Piermont Esq^r^. and Maj^r^ Tyler" were appointed "Judges of the Superior Court for the banishment of tories" June 18 1778. Perhaps this court was authorized to appoint "Commissioners" in every section of the State.

Resolved to give some pay, in addition to their Continental pay. They are also authorized to adjust & settle Capt. Levi Goodenough[s] Pay Rolls for his services in L[t]. Col[o]. Samuel Herricks Reg[t] of Rangers in the year 1777, & the Treasurer is hereby directed to pay the several Ballances that may be due on the same.

By order of Council,

THO[s]. CHITTENDEN, *Gov'r.*

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ARLINGTON, 29 August 1778.
STATE OF VERMONT. IN COUNCIL, date above.

Whereas James Breakenridge, Ebenezer Cole, & John McNiel all of this State have been Sentenced to Banishment within the Enemies Lines by the Court of Commissioners for that purpose ; & for certain reasons have been reprieved until the 1[t] day of September next, & they are hereby further reprieved until the Rising of the General Assembly at their Sessions in October next.

By order of Council,

THO[s]. CHITTENDEN, *Gov'r.*

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STATE OF VERMONT. IN COUNCIL, Arlington 30 September 1778.

Major General Marsh is directed to order a muster of the Militia of the County of Cumberland Immediately, & return a State of the men, Armes, Ammunition, accoutrements &c., to the Governor of this State.

Resolved that one hundred men be forthwith raised out of the Militia of the County of Bennington to reinforce the posts on the Northern Frontiers & that they continue in service until the first day of December next unless sooner discharged.

ARLINGTON, 30 September 1778.
STATE OF VERMONT. IN COUNCIL, date above.

*Sir*,—You are hereby Commanded to raise Seventy Able bodied effective men of your Regiment (including officers) and to see that they be well Armed, & every way equiped, properly officered and to March to head Quarters in Rutland without the least delay where they will receive further orders. They will continue in Service until the 1[t] day of December next (inclusive) unless sooner discharged.

THOMAS CHITTENDEN, *Capt. Gen[l].*

*To Col[o]. Sam[l]. Herrick.*

Orders of the same Tenor & date Sent to Colonel Warren to raise thirty men in the Towns of Sandgate, Manchester, Dorset, Reupert, and Danbee.

Granted a Warrent to Arthur Elsworth as Q. Master, dated May 1[t] 1778.

At some meeting of the Governor and Council early in September 1778, in consequence of a letter from President Weare of New Hampshire to Governor Chittenden, dated Aug. 22, 1778, protesting against the union of New Hampshire towns with Vermont, ETHAN ALLEN was requested to repair to Philadelphia and ascertain in what light these proceedings of Vermont were viewed by Congress,—See Slade's *State Papers*, p. 92.

# THE SECOND COUNCIL,

## OCTOBER 1778 TO OCTOBER 1779.

THOMAS CHITTENDEN, Williston, *Governor.*
JOSEPH MARSH, Hartford, *Lieutenant-Governor.*

COUNCILLORS:

JOSEPH BOWKER, Rutland,
JACOB BAILEY, Newbury,
PETER OLCOTT, Norwich,
PAUL SPOONER, Hartland,
TIMOTHY BROWNSON, Sunderland,
JONAS FAY, Bennington,
BENJAMIN CARPENTER, Guilford,
MOSES ROBINSON, Bennington,
JEREMIAH CLARK, Shaftsbury,
IRA ALLEN, Colchester,
THOMAS MURDOCK, Norwich,
ELISHA PAYNE, Cardigan, [N.H.][1]
BENJAMIN EMMONS, Woodstock.[1]

JOSEPH FAY, Bennington, *Secretary.*[2]
MATTHEW LYON, Arlington, *Deputy-Secretary.*

### BIOGRAPHICAL NOTICE.[3]

On the 12th of March 1778, a committee, representing a Convention previously held at Hanover N. H., appeared before the General Assembly at Windsor, and asked for the admission to Vermont of the following New Hampshire towns, to wit: Cornish, Lebanon, Dresden,[4] Lime, Or-

[1] Col. PAYNE declined the office, and the Council appointed Mr. EMMONS to fill the vacancy.

[2] Mr. FAY did not qualify until Nov. 24.

[3] For notices of all the members of the body, except Mr. PAYNE, see *ante*, pp. 115–129, 190, 235–241.

[4] That part of Hanover owned by Dartmouth College. The above list is from Belknap's *History of New Hampshire*, and it seems to count Dresden in the place of Hanover. The fact is, however, that Dresden and Hanover were both represented in the Vermont Assembly of October 1778, and instead of "sixteen" New Hampshire towns annexed to Vermont then, there were seventeen, if Dresden is counted as a town.

ford, Piermont, Haverhill, Bath, Lyman, Apthorp, Enfield, Canaan, Cardigan, Landaff, Gunthwaite, and Morristown. At the October session of the General Assembly, 1778, Col. ELISHA PAYNE appeared as representative from the town of *Cardigan*, and he was appointed chairman of the committee raised to canvass the votes for state officers and councillors. The report of that committee showed that Col. PAYNE had been elected councillor by the people. He continued to act as a member of the House, however, having declined to accept the office of councillor. The reason undoubtedly was that he would be much more useful in the General Assembly in opposing the dissolution of the union with the sixteen New Hampshire towns, which he knew would be pressed. So particular a notice of Col. PAYNE would not be given here, were it not for the facts that he was afterward a member of the body as lieutenant-governor in 1781, and a prominent figure in an exceedingly critical period of the history of the state. The estimate put upon his character and abilities was indicated by a vote of the Governor and Council, March 26, 1778, when JONAS FAY and JOSEPH MARSH were appointed "Delegates to Wait on the Hon^ble^ Continental Congress." The record adds: "Likewise voted to invite Col. ELISHA PAYNE to accompany the above persons for the purposes Above Written."

Col. PAYNE next appeared in a Convention of forty-three towns, which met at Charlestown, N. H., on the 16th of Jan. 1781, by which he was appointed one of a committee of twelve to prepare business. Jan. 18, this committee made an elaborate report for an union in one state of all the New Hampshire Grants west of "the Mason patent;"[1] which was accompanied by a resolution to appoint a committee of twelve to wait on the General Assembly of Vermont. Col. PAYNE was designated as one of that committee. The Convention then adjourned to meet at Cornish, N. H., on the first Wednesday of February succeeding, so as to have

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Dresden is, of course, now included in Hanover, and seems never to have been recognized as a separate town by New Hampshire. As that state numbered the towns, there were sixteen in the union, and the Vermont records correspond to that enumeration.

[1] This patent, granted March 9, 1621, and NEW HAMPSHIRE, granted Nov. 1 [or 7], 1629, extended to *the head* only of Merrimac river, or to the present town of Franklin. In 1653, a committee appointed by the General Court of Massachusetts fixed the most northerly part of the Merrimac at the outlet of lake Winnepiseogee.—See Belknap's *New Hampshire*, vol. I, p. 87. This fixed the western boundary of the Mason patent on the river at the present town of Franklin at the confluence of the Winnepiseogee and Pemigewasset rivers. This Convention claimed, for all the grantees west of that limit, the right to form a state independent both of New York and New Hampshire.—See *Vt. Hist. Soc. Coll.*, vol. II, p. xxvii, and proceedings of the Charlestown Convention of Jan. 16, 1781.

convenient access to the Vermont Assembly, which was to be in session at that time in Windsor. IRA ALLEN stated that this committee first agreed to report in favor of annexing all the New Hampshire Grants (the territory lying between Connecticut river and Lake Champlain.) to *New Hampshire;* but that, on assurances made by him on the authority of the Governor and Council, the report was changed, and made to conform to the foregoing statement, and as it is printed in the record of the Charlestown Convention.[1]

Feb. 10, 1781, Col. PAYNE addressed the General Assembly, as the organ of the before-named committee, asking for union with Vermont; and he continued so to act until the union was consummated, April 5, 1781. The representatives of thirty-five New Hampshire towns took their seats in the General Assembly of Vermont on the next day. Col. PAYNE then took his seat for *Lebanon*, in which town he resided until his death. His house still stands, near the outlet of Mascomy pond.

At the September election, 1781, there was no election of lieutenant-governor by the people, and Col. PAYNE was elected, on the 12th of October, by the Governor and Council "in conjunction with the Assembly;" and on the 26th he attended and was duly qualified. At the same session he was elected chief judge of the supreme court; and on the 10th of January 1782 he was appointed a delegate to Congress. One of the last recorded acts of the Council at that session was the appointment of "his honor Elisha Payne, Esquire, Lt. Governor, Bezaleel Woodward, Esqr., General Ethan Allen, John Fassett, [jr.,] Esq., and Matthew Lyon, a committee to make a draught of the Political affairs of this State to be published." Dec. 14th, 1781, Gov. Chittenden as Captain-General ordered Lieut. Gov. PAYNE as Major-General to call out all the militia in eastern Vermont, if need be, to resist any forcible attempt of New Hampshire to regain jurisdiction over the annexed towns. He was "ordered to repel force by force." In consequence of this, Lieut. Gov. PAYNE addressed the President of New Hampshire, Dec. 21, in the spirit of Gov. Chittenden's order, and of course in terms so firm and yet so conciliatory that peace was preserved. A copy of the governor's order had been, by Ira Allen's ingenuity, sent quickly and surely to President Weare, and it delayed an intended military movement. Lt. Gov. P.'s assurance, that he would execute that order if necessary, undoubtedly confirmed the decision of the New Hampshire Council against civil war.—See I. Allen's *History*, in *Vt. Hist. Soc. Coll.*, vol. I, pp. 443–448.

The last union with the New Hampshire towns was speedily dissolved, and Col. PAYNE adhered to his State, although the disposition of Vermonters toward him was such as to assure to him an honorable public career, such as, under the jealousy growing out of his part in the unions of 1778 and 1781, he could not well expect in New Hampshire.

Two at least of Col. PAYNE'S daughters spent their lives in Vermont: MARY wife of ABEL WILDER of Norwich, and RUTH wife of Capt. NA-

[1] *Vt. Hist. Soc. Coll.*, vol. I, p. 413.

THAN JEWETT of Montpelier. Col. E. P. JEWETT, and the late Mrs. PATTY HOWES wife of Hon. JOSEPH HOWES of Montpelier, were grandchildren; and of course all their descendants stand now in the order of great and great-great grand children.

For many years papers of Col. PAYNE were in the possession of his grandson, Col. ELISHA PAYNE JEWETT of Montpelier, by whom they were given to the late HENRY STEVENS, and through him it is presumed the letter to President Weare has been given to the public. It is understood that in these papers were indications that, previous to the revolution, Col. PAYNE had been a deputy surveyor-general of the king's woods, whose business it was to prevent trespasses upon the pine trees which had been reserved in all the New England grants for the royal navy; and also that he had been an agent of Dartmouth College for selling or leasing its land and otherwise. The only early notice of the name of PAYNE in Belknap's *New Hampshire* is that, May 24, 1746, "Capt. PAINE, with a troop, came to Number Four," [Charlestown, N. H.,] having been sent by the Massachusetts Assembly to the distressed towns on Connecticut river; "and about twenty of his men, going to view the place where [Seth] Putnam was killed, fell into an ambush. The enemy rose and fired, and then endeavored to cut off their retreat. Capt. Phinehas Stevens with a party, rushed out to their relief. A skirmish ensued in which five men were killed on each side, and one of ours was taken. The Indians left some of their guns and blankets behind." If this means ELISHA PAYNE, he had become colonel previous to 1778.

In this connection the facts are worth noting that, four days after the Vermont Assembly admitted the seventeen New Hampshire towns—including *Dresden*,—it also voted to take Dartmouth College under the patronage of the State, appointed President Eleazer Wheelock justice of the peace for that corporation, and empowered its trustees to nominate an assistant justice. New Hampshire had previously given to the college the jurisdiction of a territory in Hanover three miles square, and made President Wheelock magistrate. He wished to have that territory accepted as an independent town by the name of *Dresden*, but New Hampshire did not assent. There are other circumstances which indicate that officers of the college corporation were very active in the projected union, if not the originators of it. The first convention was in Hanover, and its committee asked for the union; Vermont assented, admitting the identical *Dresden* which New Hampshire had rejected as a town, adopting the college, and specially honoring BEZALEEL WOODWARD, who was a professor in the college.

# RECORD OF THE GOVERNOR AND COUNCIL

AT THE

# SESSION OF THE GENERAL ASSEMBLY AT WINDSOR,

OCTOBER, 1778.

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WINDSOR, 9th October 1778.

Resolved that Mr. Matthew Lyon be appointed a Secretary Pro Tempore until Joseph Fay Esqr. can Attend.

Resolved that the Sheriff be directed to Wait on Colonel [Elisha] Payne, a Councillor Elected, and request him to inform this Council relative to his acceptance of said office, that in case of his refusal the Vacancy thereby occasioned may be Supplied.

[Oct.] 10.[1]

In consequence of Elisha Payne, Esqr. (who was duly Elected a member of this Council for the present year) his declining such Service, This Council have choosen Benjamin Emmons Esqr. to the office of Councillor in his Room, who has Taken the Necessary Qualifications required by Constitution.

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STATE OF VERMONT. IN COUNCIL, Windsor 13 October 1778.[2]

Joel Marsh Esqr. being objected to as [not] being a proper person to act as a Justice of the Peace by John & Reuben Parkhurst, by petition, This Council after hearing the petition & the parties, also the Evidence, on Mature deliberation are of opinion that the Objections are not Supported.

M. LYON, *D. Sec'y. P. Tem.*

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STATE OF VERMONT. IN COUNCIL, Windsor Oct. 15 1778.

Zerubabel Mattisson having petitioned for a Mitigation of a fine of one hundred pounds L. money which said Mattisson was fined by the Special Court for the county of Bennington for Enimical Conduct some Time in —— Last, Resolved that fifty pounds of sd fine be & is hereby Remitted.

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[1] From the *Assembly Journal:*

Voted, and Resolved, that his Excellency the Governor, and the honorable the Council, be desired to join with this Assembly in a Committee of the whole, to morrow morning, at nine oClock, to take into consideration the subject of the Letter of the 22d August last, from the honble Meshech Weare Esqr., President of the Council of New Hampshire, to his Excellency Governor Chittenden.—See *Appendix* G.

[2] The Assembly this day invited the Governor and Council to meet in committee of the whole to consider the protest of President Weare of New Hampshire against the union with Vermont of towns claimed by that state; and the committee of the whole met from day to day until the question was disposed of by a dissolution of that union.

[Oct.] 15.

Robert Johnson appeared before this Council to answer to the Objection against his having a Commission for Lt Colo. of the 4th Regiment made by Captain Hazelton & others. After hearing the Evidence & the parties, this Council are of opinion that the objection is Insufficient, Whereon Resolved that Lt. Colo. Johnson be Commissioned accordingly.

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Windsor, Octr. 20 1778.
State of Vermont. In Council date above.

On petition of Ruth Chamberlin praying she may be divorced from her husband Amos Chamberlin as may be seen by petition on file. This Council after hearing the petition and the Evidence on Mature Deliberation are of Opinion that she may be & is hereby Divorced from her said Husband, and a bill be granted to her accordingly.

*A list of the Justices of Peace choosen & authorized by Virtue of an Act of Assembly at Bennington June* 17 1778.

Pownal, Capt. Eli Noble.
Bennington, Capt. Saml. Robinson.
Shaftsbury,
Arlington, Capt. Jno. Fassett Jur.
Sunderland, Colo. Timo. Brownson.
Manchester, Martin Powell.
Dorset, Capt. Abm. Underhill.
Rupert, Reuben Harmon.
Paulet,
Danby,
Tinmouth, Colo. Gid. Warren.
Wallingford, Abrm. Jackson Jur.
Wells,
Poultney, Wm. Ward.
Castleton, Jesse Belknap.
Clarendon, Nodebrah Angel.
Rutland, Benja. Whipple.
Pittsford,

Dummerston, Jona. Knight.
Chester, Daniel Hield, [Heald.]
Windsor, Thomas Cooper.
Hertford, Elias Weld.
Orford, Colo. Israel Morey.
Lebanon, Jno. Wheatley.
Corinth, [Cornish,] Wm. Ripley.[1]
Dresden, Bezaleel Woodward.
Westminster, Nathl. Robinson.
Corinth, John Nutting & N. Fisk.
Pomfret, John W. Dana.
Putney, Amos Hale.
Thetford, Timo. Bartholomew.
Barnard, Asa Whitcomb.
Rockingham, Joshua Webb.
Hartford, Joshua Hazen.
Guilford, Capt. Levi Goodnough.
Halifax, Hubbel Wells and [Edward] Harris.
Townsend, Jos. Tyler.

*Judges of Probate in this State.*

*Bennington District,*
Capt. John Fassett.

*Manchester District,*
Martin Powel Esqr.

*Rutland District,*
Joseph Bowker Esqr.

*Newbury District,*
Genl. Jacob Bayley.

*Hartford District,*
Paul Spooner Esqr.

——— *District,*
Major Jno. Shephardson.[2]

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[1] The justices for Corinth are below. Mr. Ripley represented Cornish in 1780–81.

[2] Mr. Shephardson resided in Guilford, and was at this date judge of the special court for "the shire of Westminster," which the editor supposes embraced the county of Cumberland, now Windham. March 24, 1778, the Assembly "Voted, that the division line of the two shires on the east side of the mountains be the ancient county line."

WINDSOR, October 20, 1778.
STATE OF VERMONT. IN COUNCIL, date above.

Resolved that Ichabod Walker be Allowed to have the Twenty acre Lot of Land which was formerly his Property in Rutland, at the Expiration of the Lease, by which John Smith & Asa Fuller now hold it.

By order of Gov$^{r}$· & Council, M. LYON, *D. S. P. Tem.*

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IN COUNCIL. Windsor October 23 1778.[1]

David Remmington (upon his personal appearance & application & Taking the Oath of Alegiance to this State, & upon Recommendation of Col$^{o}$· Jonathan Chace, Samuel Chace Esq$^{r}$· & Mr. Thomas Hall in whose Neighborhood he has Lived for about Eleven Months past) is hereby Allowed the Liberty & priviledge of Living in the County of Cumberland in this State, & he may acquire, hold, buy & Transfer property therein.

By order of Gov$^{r}$· & Council,
M. LYON, *Sec'y*· *P. Tem.*

[Oct.] 24.

On petition, Anna Evans is Reprieved from the Sentence of Banishment passed against her by the Hon$^{ble}$ Court of Commissioners in the Month of July last, & she is discharged on her paying the Cost.

By order of Gov$^{r}$· & Council, M. LYON, *D. Sec'y*· *P. Tem.*

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STATE OF VERMONT. IN COUNCIL, Windsor, 26 Oct$^{r}$· 1778.

Watts Hubbert [Hubbard, Jr.,] under Sentence of imprisonment, requesting this Council for Liberation, Therefore Resolved that on his making & subscribing a proper acknowledgment, & paying all the cost that has arisen on acct. of his former Tryal$^{s}$, Guards and imprisonment,

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[1] On this day the General Assembly

Resolved, that a committee of three be appointed to make draught of letters to send to Congress and New Hampshire. Committee chosen—Col$^{o}$· Allen, Col. Fletcher and Capt. Throop.

This, of course, was in reference to the union of New Hampshire towns with Vermont, which on the 21st of October had been *indirectly* dissolved although only on the 19th the General Assembly had agreed to the policy of an union to include all the New Hampshire towns west of the "Mason claim," and appointed a committee to present the proposition to New Hampshire and to Congress. IRA ALLEN wrote:

IRA ALLEN, Esqr., was appointed and instructed to repair to the court of New Hampshire, in order to settle any difficulties that might subsist in consequence of said sixteen towns. Mr. Allen attended the General Court of New Hampshire, &c.—*Vt. Hist. Soc. Coll.* vol. I, p. 396.

This appointment must have been made by the Governor and Council, but the fact is not entered on the record. For Allen's execution of this mission, with documents on the first union, see *Appendix* G.

From the *Assembly Journal:*

Resolved, that the councillors and representatives be allowed one pound, four shillings, per day, and one shilling pr mile for a horse, any previous Resolve to the contrary notwithstanding.

& Taking the Oath of Allegiance to this State, he be discharged & enjoy all his Estate Except what has already been Taken from him & sold.

Pr Order, THOMAS CHITTENDEN, *Gov'r.*

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STATE OF VERMONT, Arlington Nov. 24 1778.[1]

Then appeared Joseph Fay Esq[r]. and Took the oaths necessary to quailfy him for the office of Sec'y of this State.

Before me, THOMAS CHITTENDEN, *Gov'r.*

The End of the Proceedings of Council for the year 1778.

Attest, JOSEPH FAY, *Sec'y.*

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## RECORD OF THE GOVERNOR AND COUNCIL

AT THE

## SESSION WITH THE GENERAL ASSEMBLY AT BENNINGTON,

FEBRUARY, 1779.

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STATE OF VERMONT. IN COUNCIL 11th February, 1779.[2]

This day His Excellency Governor Chittenden, and the following Members of the Hon[ble] Council met in the Council Chamber in this place according to Adjournment, viz[t].

The Hon[bles] Joseph Bowker, Benjamin Carpenter,
Paul Spooner, Moses Robinson,
Tim[o]. Brownson, Jeremiah Clark, &
Jonas Fay, Ira Allen, Esquires.

After Debating on the necessary business to be done, Adjourned to 9 [o] Clock Tomorrow Morning.

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[1] From the *Assembly Journal:*

Resolved, that the justices of the peace, whose names are returned to the Governor, or that Shall be hereafter returned, shall be commissioned for the year ensuing.

Resolved, that his Excellency the Governor's sallary, for the year ensuing, be three hundred pounds, lawful money.

[2] From the *Assembly Journal:*

On motion made by his Excellency the Governor, Ira Allen Esq[r]. made return of his mission to New Hampshire, and President Weare's letter of the 5th of Nov[r]. was read, and also several others relative to the Union.—See *Appendix* G.

BENNINGTON, 12 Febʸ· 1779.[1]

Met according to adjournment.

Resolved that a Committee of Two be appointed to join a Committee from the House of Assembly to confer with them, & make a Draft of a Bill to be passed into a Resolution relative to the Union of Sixteen Towns East of Connecticut River & Report the same. Members chosen, Mʳ· Fay & Mʳ· Spooner.

A petition from the Inhabitants [of Kent][2] to the Honᵇˡᵉ General Assembly of Vermont being sent up for advice & Read, Resolved to send one member of Council to inform the House, that the Govʳ· & Council are of opinion, that the Report of the Committee of Last October be accepted but no deeds Executed until the proper Lines of the Town can be ascertained. Member chosen Mʳ· Allen.

A petition & Remonstrance of Timᵒ· Moss being by the Assembly refered to the Govʳ· & Council for settlement, on Examination found due 50 Dollars.

A petition or Remonstrance of Joseph Nelson being refered to Council for Settlement, was ordered to lay on the Table. Petition answered & no damage Allowed.

Voted to choose one member of Council to join the Committee from the House to Take into consideration the petition of Captain Ebenezer Allen & others. Member chosen Mr. Carpenter.

Adjourned to 8 ᵒClock Tomorrow.

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SATURDAY, 13 February 1779.

Met according to Adjournment.

An accᵗ Laid before Council by Lᵗ· Lemuel Bradley on examination found due.

Voted to choose a Committee of 4 to Examine the Claims of Capt. Ebenezer Allen. Members choosen Mʳ· Robinson, Mʳ· Spooner, Mʳ· Allen & Mʳ· Bowker. The business of the day being refered, Adjourned to Monday 10 ᵒClock.[3]

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MONDAY, 15 Febʸ· 1779.

Met according to Adjournment.

The Committee choosen to Examine the Claims of Capt. Ebenʳ· Allen Report as follows, vizᵗ·, that the said Allen requires a paymaster to be appointed, Whereupon, Resolved that Ira Allen Esqʳ· be & he is hereby appointed as paymaster to Settle & pay the Soldiers of Captain Ebenezer Allens Company of Rangers for Service done in the defence of the Northern frontiers of this State in the year 1777.

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[1] From the *Assembly Journal:*

Resolved that the Governor and Council be a court to confiscate estates lying in this state of enemies of this and the United States who have assisted or joined the enemy.

[2] Kent [Londonderry] probably. The Assembly on that day agreed to a report of a committee on such petition, for the confirmation of "bargains" in lands made by Col. James Rogers.

[3] From the *Assembly Journal* Feb. 13, 1779:

Colᵒ· Allen made a report of his mission to Congress in which he represents among other things that it will be necessary to appoint at least three persons to manage the affairs of this State at the Continental Congress.

The Committee chosen to Join a Committee from the House to prepair a bill relative to the union of sixteen Towns (East of Connecticut river) with this State returned & Brought in their report as will appear on the Journals of the House. [A dissolution of the union.—See *Appendix* G.]

*To Michael Dunning, Commissioner of Sequestration:*

You are hereby directed to continue in the possession of a Lot of Land formerly the property of Adam Deal[1] late of Pownall, by giving a new Lease thereof to some suitable person before the 1ᵗ day of April next. By order of the Governor & Council, JOSEPH FAY, *Sec'ʸ.*

Adjourned to 8 ᵒClock Tomorrow.

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TUESDAY 16 Febʸ. 1779.

Met according to Adjournment.

Recᵈ. the following Bill from the House:

IN GENERAL ASSEMBLY 16 Febʸ. 1779.

Voted & Resolved that it be recommended, and it is hereby recommended to the Honᵇˡᵉ Court of Confiscation, to make Confiscation & Sale of the Estates Lying in Cumberland County formerly the property of persons who have joined the Enemies of this and the United States.

By order, M. LYON, *Clerk.*

True Copy, Josˢ. FAY, *Sec'ʸ.*

The Committee appointed to join a Committee from the House to Take into Consideration the petition of Captain Ebenezer Allen report as may appear on the journals of the House.

Resolved that a Committee be appointed to Draw Rules to be observed for the better Government & regulation of the Council while Sitting. Members choosen Mʳ. Fay & Mʳ. Allen.

Having revised a number of Laws and prepared them to Lay before the General Assembly, voted to Adjourn to 8 ᵒClock Tomorrow morning.[2]

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WEDNESDAY 17 February 1779.

Met according to Adjournment and again entered upon the Revision of Laws to prepare them to lay before the General Assembly.

Resolved to choose a Committee of one to join a Committee of the House to Take into Consideration the affair of the Soldiers of Captain Ebenezer Allens Company not being paid. Member choosen Mr. Clark.

The Committee appointed to join a Committee from the House to Take into consideration the affairs of Captain Ebenezer Allens company report as by the journals of the House may appear.

Having refered the business of the day,

Adjourned to 8 ᵒClock Tomorrow Morning.

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[1] Proscribed by the act of Feb. 26, 1779.

[2] From the *Assembly Journal*, Feb. 16, 1779:

Resolved that a Committee be chosen by ballot in this House consisting of three persons to manage our political affairs at Congress and to represent this State at that Board if there should be occasion, which Committee shall be under the direction of the Governor and Council. Upon examination of the votes, Colᵒ. Ethan Allen, honᵇˡᵉ Jonas Fay and Paul Spooner Esquires were declared chosen for the purpose aforesaid.

THURSDAY 18 Febʸ· 1779.

Met according to Adjournment.

On application to the Governor & Council by the wife of William Fairfield[1] (his having repaired to the Enemy,) requesting the improvement of the Land formerly the property of the said Fairfield, for the Support of herself and Family, whereupon Resolved that she have the improvement of Two 50 acre Lotts, vizᵗ·, that which she now dwells on, and one on the opposite side of the Road (on the North side,) for the year ensuing. Pʳ order, JOSEPH FAY, *Secʼy*·

Resolved that Mʳ· Fay & Mʳ· Bowker of the Council, join a Committee from the House, to Take into consideration the petition of Capt. Ebenʳ· Allen. Reported as by the journals of the House may appear.

BENNINGTON, 18 Febʸ· 1779.

Voted Mʳ· Brownson a Committee to join a Committee from the House to Take into Consideration the petition of Captain William Hutchins & others. Report as on the journals of the House may appear 19 Febʸ· 1779.

Voted Mʳ· Clark of the Council to join a Committee of the House, to Take into Consideration (& make report) the Petition of the Proprietors of Pownall, Reported as may appear on the journals of the House 20 Febʸ· 1779.

Having refered the business of the day,

Adjourned to 8 ºClock Tomorrow morning.

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FRIDAY February 19 1779.

Met according to adjournment & proceeded to the business of the day vizᵗ· revising Laws & prepairing them to lay before the General Assembly, having refered private business until Wednesday next which day is appointed to do any business necessary to be done.

Adjourned to 8 ºClock Tomorrow.

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SATURDAY 20 February 1779.

Met according to adjournment & proceeded to the business of revising Laws, &c.

Voted to choose a Committee of one to join a Committee from the House to Take into consideration the petition of Timº Everits & Eli Everits & Report their opinion thereon to the House. They report as may appear on the journals of the House of this days date.[2]

*Mʳ· Jonathan Underwood:*

*Sir*,—You are hereby directed to keep possession of the Land formerly the property of Roger Dickenson, until further orders from this or some future Council. By order of Governor & Council,

Copy Dᵈ· Mʳ·Underwood. JOSEPH FAY, *Secʼy*·

Having concluded the business of the day Adjourned to 9 ºClock Monday next.

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[1] Probably of Pawlet.

[2] Granting them one hundred and fifty acres of land in discharge of a debt due from the state to Sylvanus, their father. "Silvanus Everts" of Castleton was proscribed by act of Assembly six days after this vote, and this payment was therefore a remarkable instance of generosity. The sin of the father was not visited upon the children.

MONDAY 22d Feby 1779.[1]

Met according to Adjournment & proceeded to business, in revising Laws & prepairing them to Lay before the General Assembly.

Voted to appoint a Committee of Two to join a Committee from the House to Take into consideration the State of our Frontiers & report the same to the House. Members chosen Mr. Bowker & Mr. Spooner.

Adjourned to 9 oClock Tomorrow.

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TUESDAY 23d Feby. 1779.[2]

Met according to Adjournment, & proceeded to business revising Laws, &c.

The Committee appointed to join a Committee from the house to Take into consideration the State of our Frontiers, returned and report, as may appear on the journals of the house of this days date.

Voted to choose a Committee of one to join a Committee of the House to Take into Consideration the petition of Sergeant John Train, relative to paying him and the Soldiers, who served under the Command of Captain Isaac Clark in the year 1778 & report as may appear on the journals of the house. Member chosen Mr. Carpenter.

Voted, to choose one as a Committee to join a Committee from the House to Concert a plan for raising 200 men for the Defence of this State. Member chosen Mr. Clark.

Adjourned to 9 o'Clock Tomorrow.

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WEDNESDAY 24 February 1779.

Met according to Adjournment, when it was motioned to join the house & resolve into a Committee of the whole, To Take into Consideration the State of our Northern Frontiers, which was accordingly done.

Having Adjourned the Committee Proceeded to Take into consideration the petition of Arthur Bostwick, praying some consideration for Sheep belonging to him, & sold for the benefit of the State ; having considered the same, Resolved, that the Evidence to prove the Sheep sold (as Alledged in the petition) is not Sufficient, therefore the petition is dismissed. Attest, JOSEPH FAY, *Sec'y.*

Having Taken into Consideration the Complaint of Captain Samuel Robinson, against Abraham Vosbury for Breaking his Parole, & having heard and duly considered the Case with every Attending circumstance, do Judge the sd Vosbury Guilty of breaking his parole to the sd Robinson, Therefore order the said Vosbury to pay the Cost arising therefrom, which is thirty Dollars, & to remain under the Care of the said Robinson until this Judgment be Complied with, And then Dismissed.

Attest, JOSEPH FAY, *Sec'y.*

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[1] The Assembly this day authorized the Governor and Council to appoint a paymaster for militia of the state called into the service of the United States.

[2] From the *Assembly Journal:*

Resolved, that the Counsellors and Representatives have six dollars pr. day during their present session to be counted from the time of their leaving their respective homes until they may conveniently return to the same, and one shilling pr. mile for horse.—[March 1, 1779, one Spanish milled dollar was worth $5,50 lawful money in Vermont. This pay therefore was not large.]

[Having] Taken into Consideration the petition of James Fletcher praying some consideration for Service done this State, expense of sickness, &c., whereupon Resolved to Allow & order paid one Months Wages which is found due. Attest, JOSEPH FAY, *Sec'y.*

Having Taken into consideration the petition of Zarubal [Zerubabel] Mattisson, heard & duly considered the case with every attending circumstance relative thereto, do Juge and order that Twenty pounds be & is hereby remitted of the fifty pounds of which he now stands bound to pay agreeable to the Judgment of the Special Court.

The above Judgment is Complied with & money paid the Treasurer accordingly. Attest, JOSEPH FAY, *Sec'y.*

Having Taken into Consideration the Case of John McNiel who prays for some relief for his family, Therefore Resolved to Allow him one hundred and thirty dollars to purchase one cow for the use of his family, and that all the Little Notes in the hands of Col°. Claghorn, Together with one note Signed Nathaniel Duchy on which is due about Ten pounds, the obligation formerly his property for sheep at Salisbury, & the Leather Left in the hands of Major Stephen Royce, or the Value thereof in money. Attest, JOSEPH FAY, *Sec'y.*

Adjourned to nine °Clock Tomorrow at which Time the Committee of the whole are to join again.[1]

THURSDAY 25 Feb'y. 1779.

Met according to Adjournment, & Took into consideration the petition of James Fletcher praying pay for Service done in the Militia of this

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[1] From the *Assembly Journal:*

Feb. 24.—Resolved that this Assembly be and are hereby resolved into a Committee to join with the Governor and Council to confer on the matter of guarding the frontiers.

Resolved that the officers and soldiers who served under Capt. Clark last March and April have a right to their pay of said Capt. Clark and that the law is hereby declared to be open for such officers and soldiers to sue for and recover their pay of said Capt. Clark, and that in all such cases the under officers and soldiers of any detachment shall have a right to sue for and recover their pay of their officer after he has drawn their money and refused to pay the same.

Whereas sundry persons inhabitants of this State have been sentenced to banishment by virtue of an act of Assembly passed at Bennington at their session in June last* some of which persons did not leave this State according to sentence and others have found means to return, so that the greater part of these persons do now reside in this State, which does greatly disturb the peace and happiness thereof as well as endanger the lives of the inhabitants, therefore

Resolved that if any such person or persons which have been sentenced to banishment as aforesaid shall be found in this State after the first day of May next (which have not obtained or shall not obtain a pardon or reprieve from their crimes from the Governor and Council of this State,) that such person or persons shall be whipt not exceeding forty stripes, to be repeated once a week, by order of any assistant or justice of the peace, so long as they shall continue in this State.

Resolved that each of the above described persons be served with a copy of the above Resolve.

* No record of this act is found. Two days after this, Feb. 26, 1779, one hundred and eight persons were, *by name*, banished by an act of the General Assembly.

State, Whereupon, Resolved that one Months pay be allowed him by the Treasurer of this State.

Having Taken into Consideration the petitions of the widow Abigail French & Anna Waller, & not finding Sufficient proof to Satisfy the Council, Resolved to Dismiss s[d] petitions.

On Petition of Michael Dunning for the farm formerly the property of Amos Dunning[1] his son for the Support of his Sons children &c. Whereupon Resolved that John Burnham Esq[r]. be & he is hereby directed to sell the said Lands to the said Dunning Taking his obligations on Interest payable one year after date.

I am directed by the Governor & Council to desire [you] to furnish the wife & family of Colonel Rogers with as much corn as will be necessary to support them, also to desire you to Settle with the Treasurer as soon as may be. Pr. Order, JOSEPH FAY, *Sec'y.*

*To Capt. John Simonds.*

Adjourned to 8 oClock Tomorrow.[2]

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FRIDAY 26 Feb[y]. 1779.

Met according to Adjournment.

*Sir*,—I am directed to desire you to sell the farm, formerly the property of Amos Dunning, (now the property of this State,) to Michael Dunning, upon condition, that he will give as much as it is really worth, or as much as it will sell for to any other person, Taking his obligations on Interest payable one year after sale for the same.

By order of Governor & Council, JOSEPH FAY, *Sec'y.*

*To John Burnham, Ju[r]. Esq[r].*

Voted Ira Allen Esq[r]. to go to New Hampshire to carry a Letter to the Hon[ble] Meshech Weare Esq[r]. President of Council, and Transact any other business Necessary to be done.[3]

Voted Jonas Fay Esq[r]. to go to General Washington & New Hampshire.

Resolved that Jonas Fay & Col[o]. Moses Robinson be & they are hereby appointed to Draft a Proclamation to be published at the same time when

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[1] Amos Dunning of Pownal was proscribed by the act of Feb. 26, 1779.

[2] Feb. 25.—Resolved that the Governor and Council be and hereby are appointed a board of war with full power to raise any number of men that shall by them be judged necessary for the defence of the frontiers and to make any necessary preparations for the opening campaign—any four of whom to be a quorum.

Resolved that the Council be and hereby are impowered to liberate the tories under the care of Capt. [Samuel] Robinson or dispose of them according to their merit.

Resolved that his Excellency the Governor and Council revise, prepare and make any necessary alterations in the several laws and acts passed in the General Assembly and have the same printed as soon as may be. [The acts of 1779, as republished in Slade's *State Papers*, make 109 pages in fine type, which is fully equivalent to double that number of pages as usually printed now. It was the first statute book printed for the State.]

[3] See *Appendix* G.

the Laws are printed & Circulated throughout this State, also that His Excellency with them prepare the Laws for the press.[1]

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[1] Feb. 24th the Assembly resolved to raise $15,000 by a lottery as a fund for military defence; and on the 26th the Governor was requested to write to Gen. Washington apprising him of the intention of the state to provide for the defence of the frontiers. He was also directed to issue a proclamation, directing all persons to observe the laws; and accordingly he issued the following:

BY HIS EXCELLENCY THOMAS CHITTENDEN, ESQ.,

*Captain-General, Governor and Commander in Chief in and over the State of Vermont:*

A PROCLAMATION.

WHEREAS the virtuous efforts and laudable exertions of the good people of this State, have not only enabled them (by the benevolent interposition of the all-wise Governor of the universe) to frustrate the wicked devices, the despotic and tyrannical designs of their foreign as well as domestic enemies, but has procured to themselves the inestimable blessings of a free and independent government, and merited the esteem and confidence of the UNITED STATES OF AMERICA.

And whereas it has ever been found (by universal experience) in all free governments, to be of the highest importance, both for the honor of GOD, the advancement of religion, and the peace, safety, and tranquility of the inhabitants thereof, that good and wholesome laws be established, and justice impartially administered throughout the same, in order to secure each subject in the peaceable enjoyment of his rights and liberties both civil and religious. And whereas the laws of this State are now promulgated in a full and legal manner amongst the inhabitants thereof, whereby each subject may become acquainted with his duty:

I have therefore thought fit, by and with the advice of my Council, and at the request of the General Assembly, to issue this Proclamation, and do hereby strictly require, charge, and command all persons, of what quality or denomination soever, residing within this State, to take notice thereof, and govern themselves accordingly, on pain of incurring the penalties therein contained.

And I do hereby further strictly require and command all magistrates, justices of the peace, sheriffs, constables, and other civil officers, to be active and vigilant in executing the laws aforesaid, without partiality, favor or affection.

Given under my hand, and the seal of this State, in the Council Chamber, in Bennington, this 23d day of February,* in the third year of the Independency of this and the United States of America, and in the year of our LORD, one thousand seven hundred and seventy-nine.

THOMAS CHITTENDEN.

By his Excellency's command, with advice of Council.

JOSEPH FAY, *Sec'y.*

GOD SAVE THE PEOPLE.

*NOTE.—This date is wrong, as the Proclamation was not authorized or drafted until Feb. 26.

Voted Col°· Ethan Allen to wait [on] General Washington to acquaint him with the Situation of affairs Relative to the defence of the Northern Frontiers of this State.[1]

Resolved that Fifty Non Commissioned officers & Soldiers, Together with proper officers, be raised out of the Militia of this State for the defence of the Northern Frontiers of the Same, to Continue in Service until the 1st day of May next unless sooner discharged—30 men are to be raised out of Col°· Herrick's Regiment & 20 out of Col°· Fletcher's Regiment.

Warrent given John Benjamin Esq^r· Sheriff, to oblidge Watts Hubbard [jr.] to pay & satisfy the Judgment of Council in October Last at Windsor, or Confine him to Certain Limits, & in case he the said Hubbert Break over said Limmits on Conviction thereof before any Justice of the peace to Whip him on the naked back not Exceeding 20 Stripes nor Short of 10 Stripes.

Adjourned until Tomorrow 9 °Clock.

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SATURDAY 27 Feb^y· 1779.[2]

Met according to Adjournment.

*Sir*,—In consequence of a Letter rec^d· from you informing of some incroachments of the Enemy, I have written General Clinton, informing him of the Same. His answer you have inclosed, upon which I have ordered fifty men to be raised to join you to Continue in Service until the first of May next unless sooner discharged, & am directed to disire Capt. Smith to Continue with his men until relieved by the above mentioned men to be raised. You will inform me from time to Time of the Situation of your post, and the particular Movements of the Enemy.

I am Sir your Hum^ble Servant, THO^s· CHITTENDEN.

*To Capt. Gideon Brownson.*

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[1] On the next day Joseph Fay was appointed to wait upon Gen Washington instead of Ethan Allen, who wrote the following letter:

MARCH, 1779.

*Sir:*—The fifth campaign drawing near towards opening, and Lake Champlain (from the last intelligence) being broke up, and the enemy's ships of force and scouting parties every day expected down the Lake, which may annoy and massacre the frontier inhabitants, has given rise to great uneasiness, as the frontier is but weakly guarded and widely extended, which has induced the Governor of this infant State, with the advice of his Council and House of Assembly, to lay before your Excellency the true circumstances of the Inhabitants.

From the facts your Excellency will be able, with equal justice, to adjust matters in this part of the Northern department, and grant such relief as shall be adequate to their necessitous condition.

Undoubtedly your Excellency will readily conceive that this part of the Country have done more than their adequate proportion in the war, and though they are greatly reduced as to materials to maintain standing forces, yet on sudden emergencies the Militia is able and willing to face any equal number of the enemy, provided they should have no other reward but the satisfaction of defeating them.

ETHAN ALLEN.

*General Washington.*

[2] The Assembly adjourned on the 26th to the first Wednesday in June, but the Council continued in session.

*Sir*,—I am directed by the General Assembly to Write to you requesting you with the men under your Command to Continue at the post at Rutland fourteen days from the 26 Instant. These are therefore to request you to Comply therewith. Others will relieve & supply your place at that Time. I depend on it the frontiers will not be Left so bare at any future time as they now are so long as there shall be occasion for a Guard there. I have written to Capt. Brownson which I expect he will Communicate to you. THOS. CHITTENDEN.

*To Capt. John Smith.*

*Letter to Joseph Bowker, Esqr.:*

I am directed by Council to desire you to make a Settlement (in behalf of this State) with Colo. James Mead relative to the mare & Colt in dispute between him & Edward Bumpus, & whatever is found due to pay the same to said Bumpus. Pr. order, JOSEPH FAY, *Sec'y.*

Voted Colo. Moses Robinson to Draft a Proclamation for a General Fast throughout this State.

Voted Joseph Fay Esqr. in lieu of Colo. Ethan Allen to Wait on General Washington to acquaint him with the Situation of the Northern frontiers of this State, &c.

*Sir*,—As it is uncertain Wheather Matison & Lees place will fall into Clarindon or be States Land, You will not Sell it to any person at present but Lease it out to Mr. Lemuel Roberts & his Brother for the present year. By order of the Govr. & Council,

JOSEPH FAY, *Sec'y.*

*To Colo. James Claghorn.*

Voted Colo. Moses Robinson, Samuel Robinson Esqr. & Jonas Fay Esqr. a Committee to Settle Mr. Ambrose Hubberts acct. against the State.

Voted that His Excellency the Govr. be directed to give orders to Captain Fitch to furnish the wives of David Castle & Elijah Benedict of Paulet with one Cow Each during the pleasure of Council.

Voted that the Judges of the Special Court be Allowed 2 Dollars pr day for the Tryal of David Redden, [Redding,] who was Executed in this place in June last.

Voted & Resolved that Widow Wright be released from paying the rent of the farm she lived on last year. The same Entered on her petition to this Council & sent back to the sd Widow at Shaftsbury.

*To John Benjamin, Esqr. Sheriff:*

*Sir*,—You are hereby directed to Suspend the Execution of the Sentence of Banishment against Titus Simonds until the Sessions of the Council & Assembly in June Next, & you will keep him to Labour to pay for his Support until that time within the Town of Windsor, on penalty of his being Whiped not Exceeding 40 Stripes on the naked back on his Leaving said Town. pr. order, JOSEPH FAY, *Sec'y.*

The End of Feby. Session 1779.

JOSEPH FAY, *Sec'y.*

# EXECUTIVE CORRESPONDENCE, MARCH, 1779.

BENNINGTON 5 March 1779.

*Sir*,—Yours of yesterdays date by L^t^· Butterfield I rec^d^ this morning, and am very sorry the Troops raised for the Defence of the Northern frontiers are delayed for want of Provisions. I enclose you a Copy at Large of a Letter I rec^d^ from General Clinton,[1] by which you will Larn, that I am fully Authorized to raise such men & naturally implies that they are to [be] supported out of the Continental Store, which I trust you will deliver as soon as you obtain this knowledge. I will be answerable if any Blame shall come against you on that account.

I am Sir your Hum^ble^ Servant,

THOMAS CHITTENDEN.

*Enoch Woodbridge Esq^r^· C. I.* [*Commissary of Issues.*]

BENNINGTON 5 March 1779.

*Copy of a Letter to General Washington:*

*Sir*,—I am directed by my Council & the General Assembly of this State, to recommend to your Excellency the present unhappy situation of the Inhabitants of the Northern frontiers of this State, & to pray your Excellency's interposition for their future Relief. The contiguous situation of those inhabitants to the Enemy has rendered their Safety peculiarly uncertain from the first commencement of the present War; the many alarms occasioned by the repeated approaches of the Enemy have kept its inhabitants in such a fluctuating condition as has rendered it impracticable for them to have secured any considerable supplies of provisions for their families beforehand. The encroachments of the Army under the Command of L^t^· General Burgoyne into this State in the year 1777, their daring Attempts to distroy this Town & the public Stores then deposited here, commanded the attention, as well as the most vigorous exertions of those Inhabitants—and Altho there was then very plentiful Crops of Grain, Corn, Hay, &c., on the Ground, yet by reason of the Enemy, the inhabitants were prevented from securing any considerable part of it. That by their continuing in Service for the purpose of reducing General Burgoyne to a Submission, the season of the year was so far advanced as to put it out of the power of those inhabitants to make the necessary preparations for a Crop of Winter Grain on which they have ever had their Greatest dependence since the first settlement of this part of the Country. They are therefore principally reduced to an Indian Cake in Scant proportion to the number of their Families, & by the distruction of their Sheep by the Enemy, their loss of them otherwise as well as their flax, their backs & their bellies have become Co Sufferers.

In this deplorable Situation, may it please your Excellency, they remain firm & unshaken, & being generally well armed and accoutred, are ready on any sudden Emergency and on the Shortest Notice to face & Encounter their inveterate foe Undaunted. But on Viewing their pre-

[1] Brigadier General James Clinton, of New York, of the continental service.

sent Circumstances, it may be your Excellency may be prevailed on to make such Provisions for the Security of the Frontiers of this State (which is no less so to three other States) as may prevent the fatal necessity of those inhabitants being continued in Constant Service the ensuing summer.

With this will be communicated a Copy of a Letter from General Clinton of the 25 ult°. by which your Excellency will perceive his rediness to Grant every relief in his power. In consequence of this Letter I have ordered the Continuance of the Company of Militia therein named & an addition of 50 men Exclusive of Commissioned officers to join them immediately. If after all that has been exhibited on this Subject it should be found inconsistent to adopt any other measures in the case, I desire an order may be granted for the Subsistence & pay of such officers & soldiers as may be found necessary to raise from time to Time within this State for the purpose aforesaid. The Bearer hereof, Joseph Fay, Esq^r. in whose attachment to the Common cause your Excellency may repose the Greatest confidence, will be able to give any further inteligence in the primises, & patiently wait any advice or directions your Excellency may please to Communicate.

I am Sir your Excellency's most
Obedient and very Humble Servant,
THOMAS CHITTENDEN.

*His Excellency Gen^l Washington.*

Copy, Attest, JOS. FAY, *Sec'y.*

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ARLINGTON, 6 March 1779.

*Sir*,—Your kind favour of the 25 ult. came to hand and in consequence of your advice I have ordered the continuance of the Company of Militia & an addition of fifty men more of the Militia of this State (exclusive of Commissioned officers) who will march this day to join Capt. Brownsons Command at Rutland.

This may serve to secure the Frontier inhabitants for the present, but as the Lakes are now open which affords an opportunity for the immediate advances of the Enemy's armed Vessels, such security is only Tempory & a greater force will be forthwith necessary to prevent the inhabitants removing with their Families and such of their effects as [they] may be able to bring with them. I sincearly thank you for the rediness which you have hitherto shown on all occasions to Communicate any relief in your power for those distressed inhabitants & desire you'd please to accept the same, & in the mean Time beg to know what further assistants you can afford them.

I have no disposition to Trouble His Excellency Gen^l Washington or Congress on the Subject if any thing short can Secure the Inhabitants, but their daily applications to me makes it necessary that I bear their case in mind, and Continue my applications in their behalf until (if possible) I obtain relief for them. The bearer hereof, Joseph Fay, Esq^r. in whom you may confide, will be ready to give you any further Inteligence in the premises in his power.

I wish to be Indulged with an immeadiate answer to this that I may be the better Enabled to know what method will be adviceable for me to persue next for relief.

I am D^r. [sir] your most
Ob^t Humble Servant,
THOMAS CHITTENDEN.

*Brigadier Gen^l Clinton.*

BENNINGTON, 10th March 1779.

*Sir*,—Your favour of the 5 of November last was Seasonably dilivered me by Ira Allen Esqr. I have purposely omitted an answer until the General Assembly at their present Session should be able to direct me in what manner I might be Warranted to do it, which I find cannot be more explicitly done than by inclosing their Resolution for disolving the union (so called) with sixteen Towns East of Connecticut River, which I have inclosed.

The Laws of this State are now nearly fitted for the press & will be immeadiately printed & Circulated among the inhabitants, the execution of which I flatter myself will prove sufficient to quit [quiet] any disturbances among the Inhabitants west of Connecticut river ; but as those on the East side (who have been heretofore considered as being united with this State) are accomplices with some few diseffected persons on the west side of Connecticut river, in creating feuds and Jealousies to the disturbance of N. Hampshire, as well as this State, your wisdom therefore, in quelling those disturbances East of the river will doubless [doubtless] prove Sufficient.

The bearer, Ira Allen, Esqr., who is appointed to communicate this, will be able to give any further inteligence in the matter.

I am Sir with Sentiments of Esteem
Your honor's most Obedient Humble Servant,
THOMAS CHITTENDEN.

*The Honble Meshech Wire [Weare,] Esqr., President of the Council N. Hampshire.*[1]

IN COUNCIL, Arlington 12 March 1779.

*Sir*,—You are hereby directed to diliver over the South Hundred acres of the farm formerly in the possession of Jeremiah French to John Fassett Jr., Esq., Commissioner of Sales of Land.

THOMAS CHITTENDEN.

*Martin Powel Esqr., C. Seqn.*

12.

*Sir*,—You are hereby directed to make application to Martin Powel Esqr., of Manchester for the South hundred acres of the farm formerly in Possession of Jeremiah French, in which said Manchester, & Take the Same into possession, which you will keep until you have further orders from this Council.

THOMAS CHITTENDEN.

*To John Fassett [Jr.,] Esqr., C. of Sales of Land:*

Council adjourned until the 4th Wednesday of April next to meet at the house of His Excellency Thomas Chittenden in this Town.

Attest, M. LYON, *D. Secy. P. T.*

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## THE GOVERNOR AND COUNCIL AS A BOARD OF WAR.

March 11, 1779, the Governor and Council commenced their action as a BOARD OF WAR, under the resolution of the General Assembly of Feb. 25. The record of this Board will therefore be given in connection with the Council record, in chronological order as near as may be.

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[1] For documents on this subject see *Appendix* G.

ARLINGTON, March 11th 1779.

BOARD OF WAR met at the House of his Excellency Thomas Chittenden, Esqr. Members Present,

His Excellency THOM. CHITTENDEN, Esqr.,
Honorable JOSEPH BOWKER, Esqr.
Honorable TIMOTHY BROWNSON, Esqr.
Honorable JOSEPH FAY, Esqr.
Honorable MOSES ROBINSON, Esqr.
Honorable IRA ALLEN, Esqr.

and made choice of MATTHEW LYON, Secretary of the Board of War.

ARLINGTON, March 11 1779.

Resolved that the Capt. General issue an order to Col. Gideon Warren Commanding him to call forth one hundred men properly officered of the militia of this [his] Regiment forthwith on the reception of this, and to hold them in constant readiness at a minutes warning to march for the defence of the frontier Inhabitants of this State whenever he shall receive intelligince from Capt. Brownson or other officer commanding the post at Rutland that the Lake Champlain is clear of Ice ; and that their pay commence three days before they March.

ARLINGTON, March 11 1779.

*Dr Sir.*—In consequence of repeated applications to me by the frontier inhabitants of this State, I have ordered one hundred men of Colo. Warrens regiment properly officered to be got ready immediately on the reception of their orders and to hold them in readiness to march at a minutes warning to your assistance whenever you shall certify him that the Lakes are clear of Ice, which I desire you to do as soon as you shall come to the knowledge of it.

I shall send some directions to the inhabitants to remove, the particulars of which I cannot well insert here. Must refer you to the bearer, Capt. Fassett. I am dear Sir your most obedient humble servant,

THOS. CHITTENDEN.

*Capt. Gideon Brownson.*

N. B.—I am informed by Capt. Fassett, that the inhabitants of Pittsford have agreed to build a picquet in some convenient part of that town at their own expence, I would therefore recommend to you to afford them a detachment from your Command on the completion of the Picquit and the arrival of Colo. Warren's Militia. T. C.

Copy.

ARLINGTON, March 12th 1779.

*Sir,*—As it was omitted, in the other Letter, to advise you in regard to the inhabitants of Castleton, and as I have recommended it to them to build a picquet Fort in that Town, would advise that on the arrival of the Militia from Colo. Warren's Regiment you send them some relief to keep the same. Your humble servant,

THOS. CHITTENDEN.

*Capt. Gideon Brownson.*

ARLINGTON March 12th 1779.

Whereas this State is a frontier to the Northern Enemy it is therefore necessary that some lines be ascertained where this State will attempt to defend the Inhabitants:

Therefore Resolved that the North line of Castleton, the west and north lines of Pittsford to the foot of the Green Mountains, be and hereby is Established a line between the Inhabitants of this State and the Enemy, and all the Inhabitants of this State living to the north of said line are

directed, and ordered to immediately move with their families and Effects within said Lines. This Board on the Petition of the Inhabitants do also recommend the Inhabitants of Castleton and Pittsford to immediately erect a Picket fort near the Center of the Inhabitants of each Town and that the women and children (excepting a few near the fort) move to some convenient place south and that the men with such part of their stocks as may be necessary remain on their farms and work in Collective bodies with their arms.

WAR OFFICE April 2d at Arlington 1779.

This Board having taken into their consideration the present defenceless situation of the frontier inhabitants of this State, and the dangers they must be immediately exposed to on the breaking up of the Lakes, have and do hereby resolve, that one hundred men exclusive of Commissioned officers be immediately raised and officered in the several Regiments in this State hereafter named, for the immediate defence of the Frontiers thereof, who are to continue in service sixty days, including the day they march, unless sooner discharged, and that their pay commence two days before such march:

| | Capt. | 1st Lieut. | Non-commissioned officers & privates. |
|---|---|---|---|
| That Colo. Samuel Herrick furnish for the above purpose, | | 1 | 35 |
| That Colo. Saml. Fletcher furnish | 1 | 1 2d | 35 |
| That Colo. Joel Marsh do. | | 1 | 30 |
| | 1 | 3 | 100 |

Resolved that the order to Colo. Gideon Warren of the 11th of March Last be forthwith countermanded, and that the Captain General be directed by this Board to issue his order requiring Colo. Warren to raise one Captain one 2d Lieutenant and fifty non-commissioned officers and soldiers of his Regiment immediately and to hold them in constant readiness to march on the shortest notice for the defence of the frontiers whenever he shall receive intelligence from the officer commanding the post at Rutland that the Lake is clear of Ice, and that their pay commence two days before they march, and to continue in service sixty days including the day they march, unless sooner discharged.

ARLINGTON, 2d April 1779.

Necessity obliges this Board to call on you at this time for the assistance of such part of your Regiment as named in the orders herein enclosed to you. You will readily conceive that the Lakes will soon be clear of Ice, and in consequence the frontier inhabitants of this part of the State will be immediately exposed to the rage of the enemy; the requests of those inhabitants are pressing, loud and repeated. I flatter myself your men will cheerfully turn out on this occasion as I have reason to expect (by Mr. Fay's favourable return from head quarters) that provision will be made to defend the frontiers from a different Quarter, and perhaps sooner than sixty days, which if done the men will be sooner discharged.

I am Dear Sir your humble servant,

THOMAS CHITTENDEN.

*Sent to Colo. S. Fletcher, Colo. S. Herrick, Colo. Joel Marsh, Colo. Gideon Warren.*

*Letter to Colo. Warren and orders*—(Copy.)

ARLINGTON, 2d April 1779.

*Sir*,—The Board of War having taken into consideration the situation of the northern frontiers of this State, have resolved to raise a further

supply of Troops for their security. Therefore you are hereby Commanded forthwith to furnish by Draught, one Captain, one second Lieutentant and fifty able bodied effective men (in Lieu of the hundred last ordered,) and have them every way equiped with arms and every other necessary for a Campaign in defending said frontiers, to continue in service sixty days from the day they march (unless sooner discharged) and their pay to commence two days before they march. You will cause them to march agreeable to the orders for marching the hundred Last ordered.

Orders sent since for one serjeant in Lieu of a 2d Lieutenant.

THOS. CHITTENDEN, *Capt. Genl.*

*To Colo. Gideon Warren.*

Similar orders [to] above sent to the following Colonels & Regiments, viz.

| | Capt. | 1st Lieut. | 2d Lieut. | Privates. |
|---|---|---|---|---|
| Colo. Saml. Fletcher, | 1 | 0 | 1 | 35 |
| Colo. Saml. Herrick, | 0 | 1 | 0 | 35 |
| Colo. Marsh, | 0 | 1 | 0 | 30 |
| | | | Total, | 100 |

*Debenture of War, Arlington April 3d 1779—Debenture providing Guard for the Frontiers.*

| | |
|---|---|
| Jonas Fay Esq., 1 2-3 day, horse 16 shillings, | £3 16 0 |
| [Receipt] JONAS FAY. | |
| Timothy Brownson, Esq., 1 day, horse 4 shillings, | 2 0 0 |
| TIMY. BROWNSON. | |
| Jeremiah Clark, Esq., 1 1-2 day, horse 15 shillings, | 3 8 0 |
| JEREMIAH CLARK. | |
| Moses Robinson, Esq., 1 2-3 day, horse 15 shillings, | 3 15 0 |
| MOSES ROBINSON. | |
| Joseph Fay, Esq., 1 2-3 day, horse 15 shillings, | 3 15 0 |
| JOSEPH FAY. | |
| [£16 14 0] | £17 12 0 |

## RECORD OF THE GOVERNOR AND COUNCIL

AT A

## SPECIAL SESSION AT ARLINGTON, APRIL 1779.

ARLINGTON, April 29th 1779.

Whereas the General Assembly of this State at their Sessions held at Bennington the 23d day of February last, did Resolve that all those persons who were Sentenced to Banishment, by virtue of an act of Assembly passed in June 1778, and yet remain in this State after the first day of May 1779, unless pardoned or reprieved by the Governor & Council, That such person or persons be whipped not exceeding 40 Stripes & continued Weekly:

And whereas the day to give the said persons a hearing for a pardon or reprieve being come, and James Breakenridge, Ebenezer Cole, & Jn°. McNiel, appearing, and made their request & plea—& their not being a Sufficient number of the Council present, the said persons have not had a Determination according to the Intention of the Assembly—We therefore Recommend it to all Concerned that their punishment be Suspended until a decree of the Council be obtained in the premises.

pr°. order, JOSEPH FAY, *Sec'y*.

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IN COUNCIL, Arlington 30 April 1779.

Whereas it appears to this Council that Mary Hawley [is] wid°. of Abel Hawley Ju^r^. Late of Sunderland an Enimical person Dec^d^. & his Estate Confiscated, & that the Commissioner of Sales of such Estates has Omitted allowing her the said Mary a Cow, as has been the usual Custom in such cases—Therefore Resolved that the Treasurer be directed to pay unto the said Mary one hundred & Eight Dollars out of the public Treasury of this State in Lieu of all other Allowances.

April 30, 1779.

Upon the representation of Col°. Gideon Warren a person Wounded in the Service, that the Hon^ble^ the Congress of the United States did in the Month of August 1776 Resolve an allowance should be made as a Compensation to such officers & Soldiers as had or should in future be wounded, or maimed in the Service of the United States, part of which Allowance was made to him by the General Assembly of this State at their Sessions in June last—& praying a further Allowance at this Time, Therefore Resolved that the Treasurer be directed to pay Col°. Gideon Warren one hundred and Twenty pounds out of the public Treasury of this State, & that the said Gideon Warren to account with the Treasurer for such part of said sum (if any) as may appear to be over the sum allowed by Congress.

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## PROCEEDINGS OF THE GOVERNOR AND COUNCIL AS BOARD OF WAR,

### MAY 1779.

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THE official record contains nothing of a special meeting of the Governor and Council May 6, 1779, to take measures for the enforcement of the authority of the state in Cumberland county. April 2d 1779 the Board of War had ordered a draft for men to reinforce the military on the frontier, a portion of the men to be drawn from Cumberland county. Gov. Clinton had previously commissioned officers there, and among

others Col. William Patterson,[1] who had a regiment of about five hundred men. Under the direction of Patterson, the Vermont draft was resisted. IRA ALLEN stated that Gov. Chittenden, being duly informed of this, &c., "took speedy and secret measures to counteract them." This was effected by sending ETHAN ALLEN with an armed force and the power to employ the *posse comitatus*, who promptly arrested Patterson and other officers, in all forty-four, the most of whom were indicted, tried, convicted and fined. The language of ALLEN implies that Gov. CHITTENDEN took the sole responsibility of this important movement, and this, if it were the fact, accounts for the apparent omission in the record. It will be observed, however, that on the 2d of June following, the General Assembly appointed a committee "to wait on his Excellency the Governor and the honorable members of the Council present," and give the thanks of the Assembly "for their raising and sending the *posse comitatus* into Cumberland county."—See I. Allen's *History*, in *Vt. Historical Soc. Coll.*, vol. I, pp. 400–402; *Eastern Vermont*, pp. 332–345; *Early History*, pp. 284–288.

The orders to Col. Allen are found in the *Ethan Allen Mss.*, in the office of the Secretary of State, pp. 289, 290. They were as follows:

*Orders to Col. Ethan Allen, &c.*

Whereas complaint hath been made unto me by SAMUEL FLETCHER, Esq., commanding the first regiment of militia within this State, that on Wednesday the 28th day of April last, at Putney in the State aforesaid, a large number of men consisting of near one hundred being un-

[1] WILLIAM PATTERSON was of Scotch Irish descent, probably born in Ireland. He came to Westminster about 1772 under the patronage of Crean Brush, and his career, in Vermont at least, exceeded even that of his tory patron in infamy. He was made sheriff of Cumberland county by New York in 1773, and held the office until the royal officers were arrested on the heel of the Westminster massacre. His first offence was the arrest and imprisonment of LEONARD SPALDING, "the hero of Dummerston," Oct. 1774, for condemning the Quebec bill, which, Spalding said, "made the British tyrant Pope of that government." Spalding was released by the interposition of the Whigs, after an imprisonment of eleven days. Patterson's next infamous act was heading the tory crew at the massacre at Westminster. That Gov. Clinton, a major-general in the continental army, should commission this man as a colonel in 1778 is an extraordinary fact. Mr. Sabine, the author of *The Royalists in America*, condemns Patterson, and adds, that of his life, subsequent to his residence in Vermont, "he has no certain information. A loyalist of this name, however, embarked at Boston with the British army for Halifax in 1776—[this could hardly be the Vermont Patterson;] and I find the death of William Patterson (who had been Governor of the Island of St. John, Gulf of St. Lawrence,) at London, in 1798."—See *Eastern Vermont;* and Sabine's *Loyalists of the American Revolution.*

lawfully assembled under the command of a certain pretended Col. PATTERSON of Hinsdale, [Vernon,] did then and there by force and with violence take and convey from one WILLIAM M'WAINE a serjeant belonging to Capt. DANIEL JEWET'S company of militia, and in the said SAMUEL FLETCHER'S regiment, two Cowes which the said serjeant M'WAINE had previously taken, one from JAMES CLAY, and the other from BENJAMIN WILLSON, both of Putney, by virtue of a warrant by legal authority [issued] directing the said serjeant M'WAINE to dispose of so much of the Estates of the said JAMES CLAY and BENJAMIN WILLSON, at public outcry, as would satisfy the fines of the said James and Benjamin [for] refusing to march or pay their proportion of raising men when legally draughted for the service of this and the United States of America agreeable to an act of the General Assembly of the Representatives of the Freemen of this State; and praying for relief in the premises, and being against the peace and dignity of the same:

You are therefore hereby commanded, in the name of the freemen of the State of Vermont, to engage one hundred able bodied effective men as voluntiers in the County of Bennington, and to march them into the County of Cumberland seasonably to assist the Sheriff of said County to execute such orders as he has or may receive from the civil authority of this State, in order to put into execution at the adjourned session of the Superior Court to be holden at Westminster in the County aforesaid the 26th day of May instant. Hereof you may not fail.

Given under my hand at Arlington this 6th day of May A. D. 1779.

THOMAS CHITTENDEN, *Captain General.*

[From the Record of the Board of War.]

WAR OFFICE, Shaftsbury, May 13th, 1779.

Resolved that fifty able bodied effective men, non-commissioned officers and soldiers properly officered, be forthwith raised of the Militia of the County of Bennington, to serve forty days from the day they march, in guarding the northern frontiers of said County and protecting its inhabitants from the incursions of the Enemy, unless sooner discharged. And Col°· Herrick furnish for the above purpose,

Capt. 1, Lt. 0, Rank and file 25.

and Col°· Warren furnish for do. 1, 25.

Resolved that the Captain General be and he is hereby directed to issue his orders to the above named Colonels for the above purpose.

Resolved that the Captain General be and he is hereby directed to issue a Commission to Doctor Jacob Ruback dated 6th of May 1779 to Continue in force untill the 10th of July next unless sooner discharged.

*Copy of a Letter to Col°· Warren.*

ARLINGTON, May 14th 1779.

*Dear Colonel*,—I have received your favour of the 16th [6th, probably,] instant some days since but have thought proper to wait the determination of the Board of War before I answered it. By the enclosed orders you will see the present determination of the Board of War. Your Exertions at the time of Capt· Brownson's being called away, your disposition of the Militia and care for the forts greatly pleases me. I perceive by Capt· Sawyer's return that there is yet 13 men behind of the 60 days men. I beg of you to take care that they be sent on without delay, as also those in the inclosed order. I flatter myself this will be the last we shall have occasion to call for this Summer, and had not Capt. Brownson been unluckily called away we should not had occasion to call this last time. I am dear Sir your most obedient servant, T. C.

*Copy of orders to Col. Warren.*

Pursuant to a Resolve of the Board of War yesterday you are hereby commanded, immediately on the reception of this, to detach or draught one Ensign and twenty-five able bodied effective non-Commissioned officers and Soldiers of your Regiment and have them every way equiped with arms and every other necessary for a Campaign in defending the Northern frontiers. to continue in service forty days from the time of marching. You will cause them to march to Rutland as soon as possible. and they are to be under the Command of Captain THOMAS SAWYER, who is to be their Captain and Commands the post.

Given under my hand at Arlington this 14th day of May 1779.

THOMAS CHITTENDEN, *Capt^n. Gen^l.*

Col^o. Herrick has orders of Like Tenour save L^t. in Lieu of Ensign.

*Copy of orders for Captain Thomas Sawyer Commanding at Fort Ranger, dated Arlington, May* 14*th* 1779.

The design and object of a Garrison's being kept at your post is to prevent the Invasion of the Enemy on the northern frontiers and to annoy them should they come within your reach. As there are two other forts, one at Castleton and one at Pittsford, dependant on yours, you are to take care that they be properly manned and provided for proportionable to your Strength at fort Ranger. You will keep out constant scouts towards the Lake so as to get the earliest intelligence of the motions and designs of the Enemy. You will keep the command of Fort Ranger and the other forts depending untill otherwise ordered by me or untill some Continental officer shall take the command. You will post the earliest intelligence of the motion of the Enemy to me and guard against surprise. Given under my hand,

THO^s. CHITTENDEN, *Cap^t. Gen^l.*

*Copy of Letter to Col^o. Herrick.*

ARLINGTON May 14th 1779.

*Dear Colonel*,—Capt. Brownson's being called away from Rutland has occasioned the within order, which there is the greater necessity to execute. I find by Cap^t. Sawyer's return that 13 of the 60 days men have not yet arrived at Rutland from your Regiment. I do earnestly request you to examine into the cause of the delinquency and cause them to be forwarded without delay, as also those in the enclosed order, as the Inhabitants are under great apprehensions of the Enemy's coming upon them. I remain Sir your very humble serv^t.

THO^s. CHITTENDEN.

*Col. Herrick.*

# RECORD OF THE GOVERNOR AND COUNCIL

AT THE

# SESSION OF THE GENERAL ASSEMBLY AT WINDSOR,

# JUNE 1779.

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The following is a Copy of a resolve of the General Assembly, viz$^{t}$:

In General Assembly June 2$^{d}$ 1779.[1]

Voted & Resolved, that Mr. [Edward] Harris [of Halifax,] Mr. [Silas] Webb [of Thetford,] & Col. [John] Strong [then of Dorset, afterward of Addison.] be and are hereby appointed a Committee to Wait on his Excellency the Governor & the Hon$^{ble}$ Members of the Council present & give them the thanks of this Assembly for their rasing & sending the Posse Commitatis into Cumberland County in May last for the purpose of apprehending the Rioters who were Tried at Westminster.

Pr order, M. Lyon, *Clerk.*

Copy, attest, Joseph Fay, *Sec'y.*

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In Council, Windsor June 3$^{d}$ 1779.

*Sir*,—You are hereby required to Call the male Inhabitants of the Town of Whitingham between the age of 16 and 60 years, or such as have a right by Law to vote for the choyce of Militia officers, to meet at some convenient time and place in s$^{d}$ town to be by you appointed, as soon as may be, & to Lead them to the choice of a Captain, one Lieutenant & one Ensign, & make returns of the persons thus chosen to this Board in order to their being duly Commissioned.

By order of the Gov$^{r}$ & Council,

Jonas Fay, *Sec'y. P. T.*

*Lt. Silas Hamilton.*

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In Council, Windsor June 3$^{d}$ 1779.

Voted & Resolved that Jonas Fay Esq$^{r}$. be & is hereby appointed Secretary P. Tem.

*Sir*,—You are hereby directed to Convene such of the inhabitants of N. Fane as are qualified by Law to vote for Militia officers to meet at some convenient Time and place in said Town to be by you appointed,

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[1] From the *Assembly Journal:*

Resolved that this Assembly do approve of the method heretofore taken by the Board of War for the defence of the frontiers; and do recommend them to attend to the defence of the frontiers.

Resolved that his Excellency the Governor and any four members of the Council be and they are hereby invested with all the powers that have been hitherto given to and made use of by the Court of Confiscation.

and lead them to the choyce of one Captain, one Lt· & one Ensign, & Return their names to this Board as soon as may be in order to their being duly Commissioned.[1]

pr Order, JONAS FAY, *Sec'y· P. T.*

[No address on the record.]

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IN COUNCIL, Windsor 3d June 1779.[2]

Resolved that Mr· Stephen R. Bradley be & he is hereby appointed to prepare, and bring into this board as soon as may [be] a draft of a Proclamation to be Issued by his Excellency in regard to the diseffected inhabitants of the County of Cumberland.[3]

By order of the Govr· & Council.

JONAS FAY, *Sec'y· P. Tem.*

Resolved, that Mr· Allen & Mr· Carpenter be & they are hereby appointed a Committee to adjust accts with Mr· Alden Spooner, Printer.

4.

On the Representation of Mr· Timothy Bartholomew, that the Children of Mr· James Munn Late of Thetford, an Enimical person deceased, were suffering for the Necessaries of Life, an order is therefore Issued to Joseph Horsford, Commissioner of Sequestration, for the rent of the sd Munns farm the present year to be appropriated for the relief of said Children. Attest, JONAS FAY, *Sec'y· P. T.*

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[1] The resistance of Col. Patterson to Vermont was within the bounds of Col. Samuel Fletcher's regiment. Whitingham and Newfane were also in his regiment. These orders therefore were made to enforce the authority of Vermont against New York. On the same day the Assembly ordered the selectmen of the towns in Cumberland county to seize all the "stocks of ammunition lodged in the hands of the enemies of this State" in towns in that county. The phrase "enemies of this State" seems to include the adherents to New York as well as tories. The fact was, however, that several at least of the leading adherents to New York were also tories.

[2] From the *Assembly Journal:*

Ira Allen Esqr· made report of his mission to New Hampshire and sundry papers relative thereto was read—and Ira Allen Esqr· was unanimously chosen by ballot an Agent to transact the affairs of this State at the Council and General Assembly of the State of New Hampshire.

Resolved, that His Excellency the Governor be and he is hereby requested to write to the Council and General Assembly of the State of New Hampshire informing them that it is not agreeable to this Assembly that the Assembly of the State of New Hampshire lay any jurisdictional claim to the west of Connecticut River.—See *Appendix* G.

Resolved, that a Surveyor General be appointed to procure copies of all Charters that ever was made of lands lying in this State in order to make out one General plan of this State in order to know where vacant lands are; and it shall be his duty to follow the instructions he shall from time to time receive from the Governor and Council or from this Assembly.

The ballots being taken, Ira Allen Esqr· was Elected Surveyor General.

[3] See *Appendix* H.

WINDSOR 4 June 1779.[1]
STATE OF VERMONT. IN COUNCIL, date above.

*Sir*,—You are hereby directed to Take the wife and family of Titus Simonds,[2] and Transport them to the officer Commanding at Rutland, Consulting him in some Method to Transport said family within the Enemies Lines in Canada.

By order of the Gov^r. & Council,
JONAS FAY, *Sec'y. P. T.*

*To Capt. Simonds of Andover.*

4^th.

*Sir*,—You are hereby ordered to Confirm to M^r. Moses Evans of Hertford the Bargain you have entered into with respect to the rent of a part of the farm formerly the property of Zadock Wright Esq^r. now the property of this State, & receive the rent of said Evans for the use of this State, you to be accountable.

You are Likewise ordered to Confirm to M^rs. Sarah Wright wife of the aforesid Zadock Wright Esq^r. the improvement of the seven acres of plowing, six of Mowing & the pasturing of three Cows, ten sheep & one horse free of rent for this year.—Also the priviledge of Fallowing any quantity of said farm not leased as aforesaid & sowing the same this Season for her own & her families use.

By order of Council,
JONAS FAY, *Sec'y. P. Tem.*

*To Paul Spooner, Esq^r.*

IN COUNCIL Windsor 4^th June 1779.

Resolved that M^r. Emmons, M^r. Spooner & M^r. Allen be & they are hereby appointed a Committee to Settle the acc^t. exhibitted by M^r. Robinson & order payment of what shall be found due.

[June] 4^th.

Resolved that M^r. Noah Smith be & he is hereby appointed a paymaster for the Militia agreeable to a Resolution of the General Assembly of this State of the 22^d of Feb^y. last, and his Excellency is hereby directed to Give him a Warrant accordingly.[3]

[From the Record of the Board of War.]

BOARD OF WAR, Windsor, 5^th June 1779.

Resolved that one hundred and fifty men officers included of the militia of this State be raised immediately to serve as a guard at the post at Rutland and the frontiers of this State, to Continue in service two months from the day they march, unless sooner discharged, and their pay

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[1] From the *Assembly Journal:*

Resolved, that his Excellency be requested to issue a proclamation of pardon to all rioters, &c., which proclamation was read and approved of. —See *Appendix* H.

[2] In the superior court for Cumberland county, held at Bennington in Dec. 1778, a complaint was entered against Titus Simonds of Hertford, [Hartland,] charging that he went over to the enemy on the 4th of September 1777. His property was confiscated.

[3] The Assembly adjourned without day on the 4th of June, but the Council continued in session to the 12th, sitting a portion of the time as Board of War.

to commence two days before they march, and that they be taken from the several regiments in the following proportion (viz.)

| | Capt. | Lt. | En. | Serj. | R. & file. |
|---|---|---|---|---|---|
| Col°. Fletcher, | 1 | 1 | 1 | 4 | 33 — 40 |
| Col°. Herrick, | 0 | 1 | 1 | 2 | 31 — 35 |
| Col°. Marsh, | 1 | 0 | 1 | 3 | 30 — 35 |
| Col°. Warren, | 1 | 0 | 0 | 2 | 22 — 25 |
| Col°. Olcott, | 0 | 1 | 0 | 1 | 13 — 15 |
| | 3 | 3 | 3 | 12 | 129 — 150 |

The record of the Governor and Council contains no entry for the 7th of June, but the following is found in *Ethan Allen Mss.*, in the Secretary of State's office, pp. 289-290:

STATE OF VERMONT. IN COUNCIL, Windsor, June 7th 1779.

Resolved that the Capt. General's orders of the 6th of May last to Col°. Ethan Allen, together with an extract of the proceedings of the adjourned Superior Court held at Westminster in the South half-shire of the County of Cumberland, on the 26th day of May last, and his Excellency's Proclamation of the 3d instant, be published.[2]

Extract from the Minutes. JONAS FAY, *Sec'y. pro tem.*

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WINDSOR 12 June 1779.

Resolved that Col°. Ethan Allen and the Hon^ble^ Jonas Fay Esq^r^ be and they are hereby directed to Wait on the Hon^ble^ the Grand Council of America as soon as may be, and they and Each of them are hereby recommended to that Hon^ble^ Board to do and Transact any business that Concernes the State of Vermont.

By order of the Gov^r^. & Council, JOSEPH FAY, *Sec'y.*

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[2] The Proclamation extended a pardon to "all persons indicted, informed against, or complained of," &c., "provided nothing herein contained be construed to extend to *any person to whom judgment has already been rendered.*" The portion of the court record published was, most probably, the part which recited the judgment of the court against Col. Eleazer Patterson and twenty-nine others. The list is as follows:

Eleazer Patterson, John Sargeants, Elkanah Day, James Clay, Michael Gilson, Lucas Nelson, Timothy Church, Micah Townsend, James Blakeslee, James Clay jr., Benjamin Whitney, Samuel Root, John Norton, John Sessions, Ephraim Clay, Medad Wright, Bela Willard, Joseph Willard, Bildad Easton, Daniel Sabin, Noah Sabin, William Pierce, Noah Cushing, Samuel Wheat, Francis Cummings, James Cummings, Joseph Jay, Thomas Pierce, Thomas Willson, and Benjamin Butterfield.—*Eastern Vermont.* p. 344.

Some of these, probably most, afterward submitted to the authority of Vermont.

# PROCEEDINGS OF THE GOVERNOR AND COUNCIL

AT A

## SPECIAL SESSION AT ARLINGTON, JULY 1779.

*Copy of a letter to Asa Douglas Esq^r.*

IN COUNCIL Arlington 29th July 1779.

*Sir*,—I have laid before my Council the matter relative to the claim you mention the Natives have to this part of the Country, but they being in some Measure unacquainted with the Justice of their Claim, thought it most proper that a Matter of such consequence should be Laid before the General Assembly of this State at their next Sessions, on the second thursday of November [October] next to be held at Manchester, at which Time & place you probably can have an opportunity to exhibit their Claim, & in the mean Time. I am Sir your

Humble Servant, THOMAS CHITTENDEN.

ARLINGTON July 29, 1779.[1]

STATE OF VERMONT. IN COUNCIL.

The Council having taken into Consideration the Petition of Abel Spencer, Joseph Randall, & Abraham Stewart, praying that part of a

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[1] From the *Record of the Board of War:*

BOARD OF WAR, Arlington 29th July 1779.

Two Letters from Capt^n. Thomas Sawyer commanding the post at Rutland dated 26th & 27th instant request assistance in Guarding the frontier inhabitants of this State, and a Letter and Petition from the Inhabitants of s^d Rutland of the 27th instant of the same purport was read:

Whereupon Resolved that fifty able bodied effective Men be immediately enlisted as Volunteers to serve in guarding the frontier inhabitants of this State and to continue in service until the sixteenth day of November next unless sooner discharged, and that each such man be allowed Eighty pounds Bounty (thirty on entering the service and fifty when discharged) and three pounds p^r. month in addition to the Continental pay.

Resolved that the above fifty men be Commanded by one Captain and two Lieuts. and that the Capt be allowed in addition to the Continental Pay and for recruiting money the sum of three hundred pounds, and that each Lieut. be allowed for the above purpose two hundred pounds, and that they receive each one hundred pounds on his engaging, and the remainder on their being discharged.*

BOARD OF WAR, Arlington, 29th July 1779.

*Sir*,—Yours of the 26th and 27th instant Pr. Lieutenant Post together with a Letter from a No. of the Inhabitants of the town of Rutland I have laid before this Board, in consequence of which the board have ordered one Company of Rangers to be forthwith Raised consisting of fifty able bodied Volunteers exclusive of Commissioned officers to be sent to your immediate assistance, who are to continue in service till the 15th of November next, and in the mean time (while this Company is a Rais-

*Aug. 1, 1779, $1,200 in lawful money were required to equal 100 Spanish milled dollars $12 for $1.—*State Papers*, p. 430.

fine laid on them (severally) of one thousand pounds by the Superiour Court might be relinquished, did thereupon Resolve that five hundred pounds be relinquished of said fines.

By order of Council, JONAS FAY, *Sec'y. P. Tem.*

IN COUNCIL, Arlington 31$^{t}$ July 1779.

Resolved that the Honorable Jonas Fay & Paul Spooner Esquires, two of the agents appointed by the General Assembly of this State at their session in February last to Transact the Political business of this State

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ing) measures are adopted (which the Board conceive) will be sufficient to secure the Inhabitants on the frontiers. You will Communicate this to the Inhabitants of Rutland &c. and let them know that nothing shall at any time be wanting (in the power of this Board) to render their situation as secure as the nature of the ground will admit.

I am Sir your humble Servant, THOMAS CHITTENDEN.

*To Cap$^{t}$. Thomas Sawyer.*

BOARD OF WAR, Arlington, 30$^{th}$ July 1779.

*Sir*,—In consequence of repeated applications to this Board by the distressed inhabitants of the Northern frontiers, and the present attempts of our Enemy to distroy them, you are hereby required to raise as many Volunteers as you can within your Regiment immeadiately, properly officered, well armed and accoutred, with six days provisions each, and hold them in readiness to join Col$^{o}$. Sam$^{l}$ Herrick with a part of his Regiment, and to March with him to Lake Champlain to secure or distroy the Wheat now standing contiguous to S$^{d}$ Lake, and to follow such other orders and directions as you shall receive from time to time from this Board or Col$^{o}$. Herrick. Provisions will be sent you afterward for your supply, and ammunition.

By order of the Board, JONAS FAY, *Sec'y. P. T.*

*Col$^{o}$. Gideon Warren.*

Similar orders were issued to Col$^{o}$. Herrick at the same time for the the same purpose.

BOARD OF WAR, Arlington, 30$^{th}$ July 1779.

Resolved, that Twenty six able bodied effective men of the Militia of this State be raised, properly officered and marched to the post at Rutland by the 15$^{th}$ day of August next, to be on that day delivered to the Commanding officer of that post, to continue in service two months unless sooner discharged.

| | Privates. |
|---|---|
| That Col$^{o}$. Fletcher furnish for the above purpose, | 6 |
| Col$^{o}$. Herrick, | 6 |
| Col$^{o}$. Marsh, | 6 |
| Col$^{o}$. Warren, | 5 |
| Col$^{o}$. Olcott, | 3 |

BOARD OF WAR, Arlington 30$^{th}$ July 1779.

*Sr*.—Pursuant to a resolution of the Board of War, you are hereby required to raise five able bodied effective men of your Regiment, and order them marched to the Post at Rutland, and delivered to the Commanding officer there on the fifteenth day of August next, who are to continue in service in guarding the Frontiers two months unless sooner discharged, and make return of your doings hereon to this Board as soon as may be.

By order of the Board, JONAS FAY, *Sec'y. P. Tem.*

[No address on the record. It should have been to Col. Warren.]

with the Honorable the Congress of the United States of America, be & they are hereby instructed to repair to that Hon^ble^ Board as soon as may be and request Copies of such Letters and the Resolutions had thereon in Congress (which relate to the affairs of this State) as they or either

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Similar orders agreeable to the above Proportion was issued to the other Col^os.^ at the same time and for the same purpose.

ARLINGTON, 30^th^ July 1779.

*Sir*,—Pursuant to a Resolution of the Board of War, you are hereby required to raise six [five, see resolution above,] able bodied effective men of your Regiment, and order them marched to the Post at Rutland and delivered to the Commanding officer there on the fifteenth day of August, who are to continue in Service in guarding the frontiers two months unless sooner discharged, and make return of your doings hereon to this board as soon as may be.

By order of the Board, JONAS FAY, *Sec'y. P. Tem.*

*Col^o.^ Gideon Warren.*

[This was of course intended for one of the three colonels who was to furnish six men.]

ARLINGTON, 30^th^ July 1779.

*Gentlemen*,—The Board of War having taken into consideration the important matters contained in yours of yesterday, together with representations they had previously received from the Inhabitants of the frontiers, and by M^r.^ Fay who is present, have come to the following resolutions, (viz.) that Col^o.^ Sam^l.^ Herrick be required to raise as many volunteers as he and the principal officers of his Regiment shall judge necessary for Defeating the diabolical designs of the present encroachments of the Enemy on the Northern frontiers, and to either secure or destroy the Grain now on the Ground near Lake Champlain, and that the s^d.^ expedition be carried into execution with the utmost secresy and dispatch.

Resolved that Col^o.^ Gideon Warren be required forthwith to raise as many Volunteers as possible within his Regiment to join Col^o.^ Herrick's, and act in conjunction with him in executing the above resolution.

The necessary orders are issued to the officers of the Militia to carry the above Resolves into Execution. Relying on your engagements to furnish them with every necessary supply for that purpose,

I am Gentlemen with sentiments of Esteem

your ob^t.^ humble servant, THOM^s.^ CHITTENDEN.

*Mr. Isaac Tichenor & others.**

BOARD OF WAR, Arlington, 30^th^ of July 1779.

*Sir*,—You are hereby directed to issue your order to the several Field officers commanding the several Regiments of Millitia within this State to see that their men be well armed and every way Equip^d.^ and that they hold themselves in Readiness to march at a minutes warning for the defence of the frontiers of this State.

By order of the Board, JONA$ FAY, *Sec'y. P. T.*

*Brigadier Gen^l.^ [Ethan] Allen.*

* Gov. TICHENOR was at that time an assistant to the deputy commissary-general of purchases for the northern department of the continental army, his field of service covering a large part of New England. His residence was at Bennington, when not officially engaged, from June, 1777.—*Early History*, p. 471.

of them may Judge Necessary, and they are further to request a Copy of the report of the Committee appointed by Congress the first day of June last "to repair to the inhabitants of a certain district known by the name of the New Hampshire Grants," and to transact any other business that concerns this State which they may find necessary.

By order of the Governor & Council, JOSEPH FAY, *Sec'y.*[1]

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The following resolution was not entered in the record of the Governor and Council. It was given in H. Hall's *Early History*, p. 303, from the pamphlet which was printed by order of the resolution:

STATE OF VERMONT. IN COUNCIL, Arlington, 23d of August, 1779.

Resolved, that the following Vindication be forthwith published, and that a Number of the Pamphlets be sent to the Congress of the United States, and to the General Assembly of every of these States; and that a Number be likewise sent to the Generals and other principal Officers of the Continental Army, for their Consideration.

Per order of the Governor and Council,

JOSEPH FAY, *Sec'ry.*[2]

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[1] From the *Record of the Board of War:*

ARLINGTON, 6th August 1779.

*Sir*,—The Board of War having resolved to raise by inlistment fifty able bodied effective men as a Company of Rangers to guard the frontiers untill the sixteenth day of November next unless the circumstances of the War should admit of their being sooner discharged; that each non-Commissioned officer and Soldier be allowed three pounds pr. month in addition to his Continental Pay; that the Captain be allowed in addition to his Continental Pay and for recruiting money the sum of Three hundred Pounds, [and] the Lieutenants Two Hundred Pounds each: you are appointed by the Board to Command the Company & Lt. Spencer of Bennington first Lieutenant, who has accepted it, is left with you to nominate your other officers. I desire you to repair immediately to me to Receive the necessary orders for yourself & them, at which time you will be made acquainted with the manner of Payments both for the officers and eighty pounds Bounty to each non-Commissioned officer and soldier. I am Sir your humble Servt,

THOS. CHITTENDEN.

*Capt. Parmerly Allen.*

P. S.—I earnestly desire you to accept of this appointment, but if any extraordinary matter should prevent it, you will acquaint the bearer therewith that another might be appointed without loss of time.

[2] By a resolution of the Assembly of Oct. 21, 1779, Ira Allen was appointed to visit the Assemblies of New Jersey, Pennsylvania, Delaware, and Maryland, and to transmit to them copies of the above named Vindication. The printed arguments of Ethan Allen, and the personal appeals of Ira, availed much. In a list of the states for and against Vermont, made by James Madison on the first of May 1782, each of these states, (with Connecticut, Massachusetts, and Rhode Island,) was counted for Vermont.—See *Vt. Hist. Soc. Coll.*, vol. II, p. 268. For a copy of the Vindication, see *Appendix* I.

# APPENDIX.

# APPENDIX A, No. 1.

## PROCEEDINGS OF THE "CONGRESS" AND "COMMITTEES OF SAFETY" FOR CUMBERLAND COUNTY.

### June 1774 to September 1777.

The first uprising in the New Hampshire Grants against "the land-jobbers of New York" was mainly in Western Vermont; and as the state government originated in that uprising, and was, for the most part, the work of Chittenden, the Allens, the Fays, and the Robinsons, all of whom resided west of the Green Mountains, their acts have figured most largely in all histories of the state. Eastern Vermont was nominally under the jurisdiction of New York, and for many years a majority at least of the leading men in that section were content to submit to it. But it should be remembered that while these men were "Yorkers," in the phrase of their day, most were also whigs, and, getting rid of the tories, they ultimately united heartily with the western whigs in establishing Vermont as an independent state. The records of their acts therefore are part of the history of the state, and justly demand recognition and preservation.[1] These records, so far as they are obtainable, are now gathered and published, some of them from the original minutes. These originals constitute what are called "The Pingry Papers," which seem to have been preserved mainly by Simon Stevens of Springfield, and are now in the possession of the Hon. Wm. M. Pingry of Perkinsville,

[1] The fact should be noted that for twenty years after settlements to any considerable extent had been made in what is now the territory of Vermont, the eastern half contained much the largest part of the population. Dr. Samuel Williams estimated the population of Cumberland and Gloucester counties, [Windham, Windsor, and Orange,] to be in 1771 about two thirds of the people in the whole territory; and in 1791 the number on the east side was 43,970, and on the west side 41,569.—*Williams's Vermont*, vol 2, p. 478.

to whom the editor of this volume is greatly indebted for their use. Copies of these, with other interesting papers, have been furnished by Hon. JAMES H. PHELPS of West Townshend, to whom the Vermont Historical Society and the State are under obligations for important contributions to the history of Vermont in its early days. To B. H. HALL, Esq., author of the *History of Eastern Vermont*, credit is also due for citations, references, and statements which have been very useful. Although the source of each important paper is indicated as given, a particular acknowledgment to these gentlemen, in this form, is justly due.

## MEETINGS IN 1774.

### CONVENTIONS.

May 16, 1774, a committee of correspondence, consisting of fifty members, was formed in the city of New York for the purpose of eliciting the sentiments of the people of the respective provinces, and particularly of New York, on the measures of the mother country in respect to her American colonies. Of this committee Isaac Low[1] was chairman.

Two days before he was confirmed in that office, he addressed the supervisors of Cumberland county, May 21, 1774, asking information as to the sentiments of the people. The supervisors met in June, but took no action on this letter, and in fact endeavored to conceal it. By accident, Doct. Reuben Jones of Rockingham and Capt. Azariah Wright of Westminster[2] heard of it, and immediately notified their towns, when a meet-

[1] ISAAC LOW was a leading merchant in New York, and in 1774 a very ardent whig, having been appointed chairman of the committee of correspondence, May 23, 1774. "Let us," he wrote in an appeal to the people, as chairman, "with the brave Romans, consider our ancestors and our offspring. Let us follow the example of the former, and set an example to the latter. Let us not be like the sluggish people, who through a love of ease 'bowed themselves and became servants to tribute,' and whom the inspired prophet, their father, justly compared to asses. Had I the voice which could be heard from Canada to Florida, I would address the Americans in the language of the Roman patriot." He was a member of the first Continental Congress, and also of the New York provincial Congress in 1775. But notwithstanding his ardor as a whig, and these high positions, he was wealthy, and, probably to save his property, he became a loyalist when the British army controlled New York. In 1782, when Sir Guy Carleton occupied the city, Low was President of the New York Chamber of Commerce. The whig government of the State, however, attainted him and confiscated his property, when he went to England, where he died in 1791. His brother NICHOLAS LOW was a firm and honored whig through the struggle.—Sabine's *Loyalists of the American Revolution.*

[2] Doct. REUBEN JONES of Rockingham, afterward of Chester, was among the earliest and most ardent of the whigs of Cumberland County.

ing was held and a committee appointed in each of those towns to wait upon the supervisors at their September session and inquire whether any papers had been received which ought to be laid before the several towns of the county. The supervisors, with many excuses for their delay, produced Low's letter, when a copy of it was sent to each town, and a County Convention was called to meet at Westminster on the 19th of October. In response, on application of four inhabitants, Col. Thomas Chandler, clerk of Chester, called a meeting of the freemen of that town, which was held on the 10th of October and appointed a committee of five to join the County Committee for the purpose of preparing a report to be sent to the New York Committee of Correspondence. The proceedings of that meeting, which are entitled to the honor of being the first recorded, were as follows—a literal copy from the record:

CHESTER TOWN MEETING, OCT. 10, 1774.

October 3d 1774.

Request for a Town Meeting

We the Subscribers Inhabitants of the Town of Chester Desire Colo. Thomas Chandler as Clerk of the Town Aforesaid to Call a Town meeting to know the minds of the People, Wither they are Willing to Choose a Comtee to make Report to sd Comtee of Correspondence and Whither the People will Stand for the Priviledges of North America or Wither they are Willing to Consent to Receive the Late Acts of Parliament as Just

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He was very active in stirring up the people to arrest the loyal court after the Westminster massacre, riding express and hatless to Dummerston on this errand; and it is from his pen we have the full account of that affair in the "Relation" published hereinafter. He was also an ardent supporter of the independence of Vermont, serving efficiently in each Convention, beginning with that of Sept. 25, 1776, and officiating as Secretary in some of them. He represented Rockingham in the General Assembly four years, beginning with the first Legislature, and Chester one year. In his last years he was embarrassed by poverty, and driven to and fro between Vermont and New Hampshire to escape jail. On one occasion while under arrest, the popular sympathy was so strong for him as to force his releasement, for which he with two friends was indicted in Windsor County court.—See B. H. Hall's *Eastern Vermont.*

Capt. AZARIAH WRIGHT served in John Burk's Company in the old French war, and in 1757 was stationed at Hinsdale's fort. In 1770 he was captain of militia in Westminster, and a leading whig in 1774. On the Westminster massacre in March 1775, he was very efficient with his company in arresting the leaders of the court party and dispersing their adherents. In 1778 he with twelve men went to Quebec. In 1779 he was greatly offended because Thomas Chandler jr. was speaker of the Vermont Assembly, and wrote two queer letters to the Governor and Council and Assembly, which caused the resignation of Chandler.—See B. H. Hall's *Eastern Vermont* for details as to both Jones and Wright.

or Wither they view them as unjust,
Oppressive and unconstitutional, and
to act as they think proper, and we
Desire the meeting to be Called as Soon as
Possible. Chester October 3d 1774
George Earl, David Hutchinson, Willm.
Atwood, Jonathan Tarbell.[1]

Warrant or Notific tion

Agreeable to the above Request
I hereby Notify the Inhabitants of
Chester to meet at the House of Mr.
Jonathan Tarbel in sd Chester on Monday
the Tenth Day of October Instant at
Two of the Clock in the Afternoon then and
there to Act on the Articles mentioned in
the Request, if they See Cause given under
my hand in Chester this Third Day
of Octor A D 1774
Tho Chandler Supervisor
& Clerk.

Meeting opned

At a meeting of the Inhabitants of the
Town of Chester Duly Notified and meet at
the usuall place of Meeting Octor. 10th 1774

Mode-rator.

Thos. Chandler Esqr Chosen Moderator

Voted that Thomas Chandler Junr, Timo Olcott,
Moses Gile, John Smith, and John Grout
be a Comtee to Joyn with the County Comtee to make
Report to sd Comtee of Correspondence in the
Metropelous of this Province

At said meeting Resolved
1 first That the People of America are
Naturally Intitled to all the Priviledges of
Free Borne Subjects of Great Britain, which
Privileges they have Never Forfeited.

2 2ly Resolved that Every Mans Estate Honestly
Acquired is his Own and no person on Earth

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[1] GEORGE EARL was one of the jury of inquest to inquire into the death of William French, which sat at Westminster March 15, 1775; captain of the Chester company of militia, Aug. 15, 1775; and a member for Chester of the Cumberland County Committee of Safety in 1776. In the last capacity, he united with six other members in a protest, Nov. 7, 1776, against further proceeding, as a committee, because the action of the majority was "Repugnant to the resolves of the Honble Continental Congress." The matter was compromised, and the protestants resumed their seats; but their protest stands as proof of their fidelity as patriots. —JONATHAN TARBELL was first lieutenant in Earl's company.—See B. H. Hall's *Eastern Vermont;* also record of Cumberland County Committee of Safety, Nov. 5–9, 1776, *post.*

has A Right to take it Away without the Proprietor Consent unless he forfeit it by Some Crime of his Committing

3 3ly Resolved that all Acts of the British Parliament Tending to take Away or Abridge these Rights Ought not to be Obeyed

4 4ly Resolved, that the People of this Town will Joyn with their Fellow American Subjects in Opposing in all Lawfull ways Every Incroachment on their Natural Rights

Then the meeting was Desolved
Test Tho Chandler Moderator
Entered pr Tho Chandler Clerk.

CHESTER, April 29th, 1873.

A True Copy of Record,
CHAS. ROBBINS, *Town Clerk.*

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FIRST CUMBERLAND COUNTY CONVENTION, OCT. 19, 1774.

The County Convention, which had been called to meet at Westminster on the 19th of October 1774, met on that day and was in session two days. The following is its record, which was published for the first time in Holt's *New York Journal* in June 1775.

[From American Archives, Fourth Series, vol. II, 1775, Cols. 1065–1066.]

At a meeting of the Committees from a number of Townships in the County of *Cumberland* and Province of *New-York*, held in the County Hall, at *Westminster*, on the 19th and 20th of *October*, 1774, to consider a Letter very lately received from Mr. *Isaac Low*, chairman of the Committee of Correspondence of *New-York*, dated *May* 21st, 1774, to consult on measures proper to be taken at this important day: present, eighteen Delegates from twelve Towns.[1]

*Colonel* JOHN HAZELTINE,[2] *chosen Chairman.*

After having read Mr. Chairman *Low's* Letter, and the Act of the *British* Parliament in laying a duty or tax on Tea, for the purpose of

[1] Only seven of these towns can be named with certainty, and these are ascertained from the names of delegates mentioned in the proceedings. These are Townshend, Chester, Hartland, Westminster, Halifax, Marlborough, and Woodstock.

[2] JOHN HAZELTINE came to Townshend from Upton, Mass., soon after the first settlement in 1761, and was a prominent man in the town and county, often called to preside in public meetings. His patriotism was of an ardent and energetic sort, and won for him the title of "KING HAZELTINE," from John Grout, who was so notorious in the state as a tory and pestilent fellow as to secure his banishment by the act of Feb. 26, 1779. The whigs of the county esteemed Mr. Hazeltine highly, as

raising a revenue in *America*, the *Boston* Port Bill, so called, and divers other late Acts of the *British* Parliament; sundry debates being had thereon,

*Voted*, That *John Grout*,[1] Esquire, [of Chester,] Mr. *Joshua Webb*, [of Westminster,] Doctor *Paul Spooner*, [of Hertford, now Hartland,] Mr. *Edward Harris*, [of Halifax,] and Major *William Williams*, [of Marlborough,] be a Committee to take into consideration the aforesaid Letter, and divers aforesaid Acts, and report to this meeting. Who reported as follows:

This County being in its infant state, contending with the hardships of subduing the wilderness, and converting it into fruitful fields, being situated here in a corner, at a considerable remove from the populous, civilized parts of the Country, conceive they, by their own experience, in a small degree feel the sufferings of their ancestors.

The first planters in *America* endured hunger, cold, and other distresses, until they, by their arduous industry, found suitable relief from their bountiful fields and their own expenses; and as the people of this County were chiefly born in some one or other of the *New England* Provinces, and conceive them to be at least as loyal to the King as any subjects he can boast of, are surprised to find, by the late Acts of Parliament, that all *Americans* are deprived of that great right of calling that their own, which they by their industry have honestly acquired; are surprised to find a power arise in *Britain*, which, with impunity say, they have a right to bind the Colonies in all cases whatsoever, and attempt to exercise that authority, by taking, at their pleasure, the properties of the King's *American* subjects without their consent, especially since some of the former Kings of *Great Britain* by charter granted to their subjects in *New England*, their heirs, and assigns, and all others who should settle within certain boundaries, divided into Colonies, all the liberties and Privileges of natural free-born subjects of *England;* yet, notwithstanding this, that such a power should arise under the mere inspection of the King, unrebuked, to claim all *American* property, and actually to take as much as they please, in direct breach of the solemn compact between a former King, on his part, and his successors, made with the first planters of these Colonies, and others that after should be born among them, or join them, or be born on the seas when going thither; and we do not conceive those whose rights are as aforesaid solemnly declared, are more sacred in respect of the security of their property, than the right of this and other Colonies whose rights are only natural as *British* subjects; for he who has nothing but what another has power at pleasure lawfully to take away from, has nothing that he can call his own, and is, in the fullest sense of the word, a slave—a slave to him who has such power; and as no part of *British America* stipulated

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was evinced on various occasions, but especially in selecting him as the person to whom bonds with security were given by sundry of the persons who had been arrested for participation in the "Westminster massacre." Col. Hazeltine was appointed a delegate from Cumberland county to the Provincial Congress and Convention of New York, May 23, 1775. He attended, but remained only three days. His name appears in Deming's *Catalogue* as representative of Townshend in the Vermont Assembly in 1791, '94 and '95.—See B. H. Hall's *Eastern Vermont.*

[1] See preceding note.

to settle as slaves, the privileges of *British* subjects are their privileges, and whoever endeavours to deprive them of their privileges is guilty of treason against the *Americans*, as well as the *British* Constitution. Therefore *Resolved*,

I. That as true and loyal subjects of our gracious Sovereign, King *George* the Third of *Great Britain*, &c., we will spend our lives and fortunes in his service.

II. That as we will defend our King while he reigns over us, his subjects, and wish his reign may be long and glorious, so we will defend our just rights, as *British* subjects, against every power that shall attempt to deprive us of them, while breath is in our nostrils, and blood in our veins.

III. That considering the late Acts of the *British* Parliament for blocking up the port of *Boston*, &c., which we view as arbitrary and unjust, inasmuch as the Parliament have sentenced them unheard, and dispensed with all the modes of law and justice which we think necessary to distinguish between lawfully obtaining right for property injured, and arbitrarily enforcing to comply with their will, (be it right or wrong,) we resolve to assist the people of *Boston* in the defence of their liberties to the utmost of our abilities.

IV. Sensible that the strength of our opposition to the late Acts consists in a uniform, manly, steady, and determined mode of procedure, we will bear testimony against and discourage all riotous, tumultuous, and unnecessary mobs which tend to injure the persons or properties of harmless individuals ; but endeavour to treat those persons whose abominable principles and actions show them to be enemies to American liberty, as loathesome animals not fit to be touched or to have any society or connection with.

V. *Resolved*, That we choose a Committee to correspond with the other Committees of Correspondence of this Province and elsewhere, and that Mr. *Joshua Webb*, *John Grout*, Esquire, Deacon *John Sessions*, [of Westminster,] Major *William Williams*, and Captain *Jacob* [Joab] *Hoisington*, [of Woodstock,] be a Committee as aforesaid.

VI. *Resolved*, That the thanks of this Committee be given to the Committee of Correspondence in the capital of this Province, for the notice they have taken of this infant County.

VII. *Resolved*, That Mr. Chairman forward these Resolves to Mr. *Low*, Chairman of the Committee of Correspondence at *New-York*, and communicate to him by Letter the reasons why his Letter to the Supervisors of this County was answered no sooner.

VIII. *Resolved*, That Colonel *Hazeltine*, the Chairman, have the thanks of this Committee for his good services as Chairman.

The above Report being divers times read, paragraph by paragraph,

*Voted*, *nemine contradicente*, That the same be accepted as the sense of this meeting, and as their Resolves.

By order of the Convention :

JOHN HAZELTINE, *Chairman.*

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DUMMERSTON TOWN MEETING, OCT. 29, 1774.

The next in the order of revolutionary events in Cumberland County, was a meeting of a majority of the inhabitants of Dummerston, occasioned by the imprisonment, on the preceding day, of one of the boldest and most ardent whigs of that town,—Lieut. LEONARD SPALDING,[1] who

[1] See *ante* p. 154 for notice of Mr. Spaulding.

was charged with treason. The official account is as follows, as copied from the records of Dummerston by B. H. Hall:

On the 28th of October, A. Dom. 1774, Lieut. Leonard Spaulding of the town of Fullham alias Dummerston, was Committed to the Common goal for high treason against the British tyrant George the third, by the direction of the infamous Crean Brush, his attorney, & Noah Sabin, William Willard, and Ephraim Ranney, Esqrs., and Wm. Paterson the high Shreeve, and Benj. Gorton, and the infamous Bildad Easton, and his Deputies ;[1] upon which, on the following day, viz. October the 29th, a majority of the inhabitants met near the house of Charles Davenport on the green, and made Choice of Sundry persons to Serve as a Committee of Correspondancy to joyne with other towns or respectable bodies of people, the better to secure and protect the rights and priveleges of themselves and fellow-cretures from the raveges and imbarrassments of the British tyrant, & his New York and other immesaries.

The persons made choice of were these, viz., Solomon Harvey, John Butler, Jonathan Knight, Josiah Boyden & Daniel Gates, by whose vigilence & activity Mr. Spaulding was released from his Confinement after about eleven days : the Committee finding it Necessary to be assisted by a Large Concourse of their freeborn Neighbours and bretherin, Consisting of the inhabitants of Dummerston, Putney, Guilford, Halifax and Draper, [Wilmington,] who discovered a patriotic Zeal & true heroic fortitude on the important occation. The plain truth is, that the brave sons of freedom whose patience was worn out with the inhuman insults of the imps of power, grew quite sick of diving after redress in a Legal way, & finding that the Law was only made use of for the Emolument of its Creatures & the immesaries of the British tyrant, resolved upon an Easyer Method, and accordingly Opened the goal without Key or Lock-picker, and after Congratulating Mr. Spaulding upon the recovery of his freedom, Dispersed Every man in pease to his respective home or place of abode. The afforgoing is a true and short relation of that Wicked affair of the New York, Cut throatly, Jacobitish, High Church, Toretical minions of George the third, the pope of Canada & tyrant of Britain.[2]

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### Second Cumberland County Convention, Nov. 30, 1774.

When the "non-importation, non-consumption, and non-exportation association" adopted by Congress Oct. 20 1774, together with the ten resolutions previously adopted, (which were declaratory of the rights of the people of the colonies and accompanied by a summary of the wrongs attempted by the British parliament,) became known, John Hazeltine, by the advice of some of the leading men of the county, issued a circular dated Nov. 13, calling another convention to meet at Westminster on the 30th of that month. On the 28th, the inhabitants of Chester met,

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[1] Jacob Laughton of Dummerston, born Sept. 10, 1760, was living in 1851, and informed B. H. Hall that "Lieut. Spaulding was a resolute man," and that "it took three or four Yorkers to conquer him when he was committed to the jail at Westminster."

[2] Account entered by Doctor Solomon Harvey in the records of Dummerston. vol. I, pp. 18–20.—See B. H. Hall's *Eastern Vermont*, pp. 200–203.

appointed two delegates to the proposed county convention, and instructed them to use their best endeavours to procure a vote of thanks to the continental Congress "for their good services," and an assurance that the people of the county would "fully comply with their advice and resolutions." Their delegates were also directed to procure certain instructions to Samuel Wells and Crean Brush, the representatives of the county in the New York legislature, one of which was to exert "their best skill and wisdom" to choose deputies to represent New York in the congress of the colonies called to meet at Philadelphia in the succeeding month of May. On the same day the people of Dummerston also met, adopted similar measures, and another which was particularly significant of the earnest patriotism of the town: it was an order to the town assessors, to "assess the town in a Discretionary sum of money, Sufficient to procure 100 weight of gun powder, 200 weight of Lead and 300 flints, for the town use." This tax was payable in "potash salts," and a committee was appointed to receive the salts.[1]

The County Convention met at Westminster on the 30th pursuant to the invitation, but only a summary of its proceedings has been preserved. It is contained in "A Relation of the proceedings of the people of the County of Cumberland, and Province of New York," dated "*Cumberland County March* 23*d* 1775." The "Relation" is copied entire, *post*, in connection with an account of the "Westminster Massacre."

This account of the Convention of Nov. 30 1774 was as follows:

> Immediately after [the convention of October 30 1774,] the people of the county aforesaid received the resolves of the continental congress. They called a county congress, and did adopt all the resolves of the continental congress as their resolves, promising religiously to adhere to that agreement or association. There was a committee of inspection moved for, to be chosen by the county, according to the second resolve [11th article] of the association aforesaid: but being much spoken against by a justice and an attorney,[2] and looked upon by them as a childish, impertinent thing, the delegates dared not choose one."[3]

[1] B. H. Hall's *Eastern Vermont*, p. 204, citing the manuscript records of Chester and Dummerston.

[2] The attorney was probably John Grout of Chester; the justice may have been Samuel Wells of Brattleborough—both being tories.

[3] The people of Dummerston were dissatisfied with the failure of the convention in this important point, and in town meeting, Jan. 3, 1775, chose a committee of inspection of seven persons, Doctor Solomon Harvey at their head, whose business it was to watch "the conduct of the inhabitants;" and also, as the acts of this committee demonstrated, to exclude tories or negligent whigs from every public office. They removed from office two of the town assessors, for refusing to execute the vote of the town as to ammunition; disarmed a citizen who was supposed to be a tory; and prevented another town officer from performing his official duties until he by his conduct proved himself to be a whig. The example thus set by Dummerston was generally adopted by other towns afterward.—See B. H. Hall's *Eastern Vermont*, p. 205.

To this statement of the action of the meeting, B. H. Hall added, that "the state of the county was then considered, as were also the inconveniences to which the inhabitants were subjected in collecting their dues in the province of New Hampshire."—*Eastern Vermont*, p. 204.

The resolutions and articles of association of the continental Congress, by adoption, became the all important part of the proceedings of this Convention, as well as the best exponent of the prevailing sentiment of the people of eastern Vermont at that day. They also show the intense patriotism of the country at large, and the universal sympathy for the persecuted and suffering inhabitants of Boston. They were these :

### Declaration and Resolves of the Continental Congress.

Friday, *October* 14, 1774.

The Congress met according to adjournment, and resuming the subject under debate —made the following *declaration* and *resolves :*

Whereas, since the close of the last war, the British parliament, claiming a power, of right, to bind the people of America by statutes in all cases whatsoever, hath, in some acts, expressly imposed taxes on them, and in others, under various pretences, but in fact for the purpose of raising a revenue, hath imposed rates and duties payable in these colonies, established a board of commissioners, with unconstitutional powers, and extended the jurisdiction of courts of admiralty, not only for collecting said duties, but for the trial of causes merely arising within the body of a county :

And whereas, in consequence of other statutes, judges, who before held only estates at will in their offices, have been made dependant on the crown alone for their salaries, and standing armies kept in time of peace : And whereas, it has lately been resolved in parliament, that by force of a statute, made in the thirty-fifth year of the reign of King Henry the eighth, colonists may be transported to England, and tried there upon accusations for treasons and misprisions, or concealments of treasons committed in the colonies, and by a late statute, such trials have been directed in cases therein mentioned :

And whereas, in the last session of parliament, three statutes were made : one entitled "An act to discontinue, in such manner and for such time as are therein mentioned, the landing or discharging, lading, or shipping of goods, wares and merchandize, at the town, and within the harbour of Boston, in the province of Massachusetts-Bay, in North America ;" another entitled "An act for the better regulating the province of Massachusetts-Bay in New England ;" and another entitled "An act for the impartial administration of justice, in the cases of persons questioned for any act done by them in the execution of the law, or for the suppression of riots and tumults, in the province of the Massachusetts-Bay in New England ;" and another statute was then made, "for making more effectual provision for the government of the province of Quebec, &c." All which statutes are impolitic, unjust, and cruel, as well as unconstitutional, and most dangerous and destructive of American rights :

And whereas, assemblies have been frequently dissolved, contrary to the rights of the people, when they attempted to deliberate on grievances ; and their dutiful, humble, loyal, and reasonable petitions to the crown for redress, have been repeatedly treated with contempt by his majesty's ministers of state :

The good people of the several colonies of New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, New-Castle, Kent, and Sussex on Delaware, Maryland, Virginia, North-Carolina, and South-Carolina, justly alarmed at these arbitrary proceedings of parliament and administration, have severally elected, constituted, and appointed deputies to meet, and sit in general Congress, in the city of Philadelphia, in order to obtain such establishment, as that their religion, laws, and liberties, may not be subverted: Whereupon the deputies so appointed being now assembled, in a full and free representation of these colonies, taking into their most serious consideration, the best means of obtaining the ends aforesaid, do, in the first place, as Englishmen, their ancestors in like cases have usually done, for asserting and vindicating their rights and liberties, DECLARE,

That the inhabitants of the English colonies in North America, by the immutable laws of nature, the principles of the English constitution, and the several charters or compacts, have the following RIGHTS:

*Resolved, N. C. D.* 1. That they are entitled to life, liberty, and property: and they have never ceded to any sovereign power whatever, a right to dispose of either without their consent.

*Resolved, N. C. D.* 2. That our ancestors, who first settled these colonies, were at the time of their emigration from the mother country, entitled to all the rights, liberties, and immunities of free and natural born subjects, within the realm of England.

*Resolved, N. C. D.* 3. That by such emigration they by no means forfeited, surrendered, or lost any of those rights, but that they were, and their descendants now are, entitled to the exercise and enjoyment of all such of them, as their local and other circumstances enable them to exercise and enjoy.

*Resolved*, 4. That the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative Council: and as the English Colonists are not represented, and from their local and other circumstances, cannot properly be represented in the British parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner as has been heretofore used and accustomed: But, from the necessity of the case, and a regard to the mutual interest of both countries, we cheerfully consent to the operation of such acts of the British parliament, as are, bona fide, restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members; excluding every idea of taxation, internal or external, for raising a revenue on the subjects, in America, without their consent.[1]

[1] It will be observed that this resolution was not, as most were, unanimously adopted —"N. C. D." There was a difference of opinion as to the power of parliament to regulate trade, some holding that it should have the power for "the mutual interest of both countries;" while some objected, in the words of Mr. Gadsden of South Carolina, that "a right of regulating trade is a right of legislation, and a right of legislation in one case is a right in all." The resolution, as above, in the last clause, from the words "But, from the necessity of the case, and a regard to the

*Resolved, N. C. D.* 5. That the respective colonies are entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law.

*Resolved*, 6. That they are entitled to the benefit of such of the English statutes, as existed at the time of their colonization, and which they have, by experience, respectively found to be applicable to their several local and other circumstances.

*Resolved, N. C. D.* 7.—That these, his majesty's colonies, are likewise entitled to all the immunities and privileges granted and confirmed to them by royal charters, or secured by their several codes of provincial laws.

*Resolved, N. C. D.* 8.—That they have a right peaceably to assemble, consider of their grievances, and petition the King, and that all prosecutions, prohibitory proclamations, and commitments for the same, are illegal.

*Resolved, N. C. D.* 9.—That the keeping a standing army in these colonies, in times of peace, without the consent of the legislature of that colony, in which such army is kept, is against law.

*Resolved, N. C. D.* 10.— It is indispensably necessary to good government, and rendered essential by the English constitution, that the constituent branches of the legislature be independent of each other; that, therefore, the exercise of legislative power in several colonies, by a council appointed, during pleasure, by the crown, is unconstitutional, dangerous and destructive to the freedom of American legislation.

All and each of which the aforesaid deputies, in behalf of themselves, and their constituents, do claim, demand, and insist on, as their indubitable rights and liberties; which cannot be legally taken from them, altered or abridged by any power whatever, without their own consent, by their representatives in their several provincial legislatures.

In the course of our inquiry, we many find infringements and violations of the foregoing rights, which from an ardent desire, that harmony and mutual intercourse of affection and interest may be restored, we pass over for the present, and proceed to state such acts and measures as have been adopted since the last war [with France,] which demonstrate a system formed to enslave America.

*Resolved, N. C. D.* That the following acts of parliament are infringments and violations of the rights of the colonists, and that the repeal of them is essentially necessary, in order to restore harmony between Great Britain and American colonies, viz. [Here several acts are specified, including those named in the preamble, and the objectionable features of some them are stated, such as the establishment of the Roman catholic religion by the Quebec bill, for example.]

Also, that the keeping a standing army in several of these colonies, in time of peace, without the consent of the legislature of that colony, in which such army is kept, is against law.

To these grievous acts and measures, Americans cannot submit, but in hopes their fellow subjects in Great Britain will, on a revision of them, restore us to the state, in which both countries found happiness and prosperity, we have for the present, only resolved to pursue the following peaceable measures: 1. To enter into a non-importation, non-consumption, and non-exportation agreement or association; 2. To prepare an

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mutual interest of both countries," &c., was drawn by John Adams as a compromise, and it was accepted; though it seems not with entire unanimity. – See Bancroft's *History of the United States*, vol. VII, pp. 132–140.

address to the people of Great Britain and a memorial to the inhabitants of British America; and, 3. To prepare a loyal address to his majesty, agreeable to resolutions already entered into.

### Articles of Association.

[In Congress,] Thursday, *October* 20, 1774.

The association being copied, was read and signed at the table, and is as follows:

WE, his majesty's most loyal subjects, the delegates of the several colonies of New-Hampshire, Massachusetts-Bay, Rhode-Island, Connecticut, New-York, New-Jersey, Pennsylvania, the three lower Counties of New-Castle, Kent and Sussex on Delaware, Maryland, Virginia, North-Carolina, and South-Carolina, deputed to represent them in a continental Congress, held in the city of Philadelphia, on the fifth day of September, 1774, avowing our allegiance to his majesty, our affection and regard for our fellow-subjects in Great-Britain and elsewhere, affected with the deepest anxiety, and most alarming apprehensions, at those grievances and distresses, with which his majesty's American subjects are oppressed; and having taken under our most serious deliberation, the state of the whole continent, find, that the present unhappy situation of our affairs is occasioned by a ruinous system of colony administration, adopted by the British ministry about the year 1763, evidently calculated for enslaving these colonies, and with them, the British empire. In prosecution of which system, various acts of parliament have been passed, for raising a revenue in America, for depriving the American subjects, in many instances, of the constitutional trial by jury, exposing their lives to danger, by directing a new and illegal trial beyond the seas, for crimes alleged to have been committed in America: And in prosecution of the same system, several late, cruel, and oppressive acts have been passed, respecting the town of Boston and the Massachusetts-Bay, and also an act for extending the province of Quebec, [to the Ohio and the Mississippi rivers, embracing the present states of Ohio, Michigan, Indiana, Illinois, and Wisconsin,] so as to border on the western frontier of these colonies, establishing an arbitrary government therein, and discouraging the settlement of British subjects in that wide extended country; thus by the influence of civil principles and ancient prejudices, to dispose the inhabitants to act with hostility against the free Protestant colonies, whenever a wicked ministry shall chuse so to direct them.

To obtain redress of these grievances, which threaten destruction to the lives, liberty, and property of his majesty's subjects, in North America, we are of opinion, that a non-importation, non-consumption, and non-exportation agreement, faithfully adhered to, will prove the most speedy, effectual, and peaceable measure: And, therefore, we do for ourselves, and the inhabitants of the several colonies, whom we represent, firmly agree and associate, under the sacred ties of virtue, honor and love of country, as follows:

First, That from and after the first day of December next, we will not import, into British America, from Great-Britain or Ireland, any goods, wares, or merchandize whatsoever, or from any other place, any such goods, wares, and merchandize, as shall have been exported from Great-Britain or Ireland; nor will we, after that day, import any East-India tea from any part of the world; nor any molasses, syrups, paneles, coffee, or pimento, from the British plantations or Dominica; nor wines from Madeira, or the Western Islands; nor foreign indigo.

Second, We will neither import or purchase, any slave imported after the first day of December next; after which time, we will wholly discontinue the slave trade, and will neither be concerned in it ourselves, nor will we hire our vessels, nor sell our commodities or manufactures to those who are concerned in it.

Third, As a non-consumption agreement, strictly adhered to, will be an effectual security for the observation of the non-importation, we as above, solemnly agree and associate, that from this day, we will not purchase or use any tea, imported on account of the East-India company or any on which a duty hath been or shall be paid; and from and after the first day of March next, we will not purchase or use any East-India tea whatever; nor will we, nor shall any person for or under us, purchase or use any of those goods, wares, or merchandize, we have agreed not to import, which we shall know or have cause to suspect, were imported after the first day of December, except such as come under the rules and directions of the tenth article hereafter mentioned.

Fourth, The earnest desire we have not to injure our fellow-subjects in Great-Britain, Ireland, or the West-Indies, induces us to suspend a non-exportation, until the tenth day of September, 1775; at which time if the said acts and parts of acts of the British parliament hereinafter mentioned are not repealed, we will not directly or indirectly, export any merchandise or commodity whatsoever to Great-Britain, Ireland or the West-Indies, except rice to Europe.

Fifth, Such as are merchants, and use the British and Irish trade, will give orders, as soon as possible, to their factors, agents, and correspondents in Great-Britain and Ireland, not to ship any goods to them, on any pretence whatsoever, as they cannot be received in America, and if any merchant residing in Great-Britain or Ireland, shall directly or indirectly ship any goods, wares or merchandise, for America, in order to break the said non-importation agreement, or in any manner contravene the same, on such unworthy conduct being well attested, it ought to be made public; and on the same being so done, we will not, from thenceforth, have any commercial connection with such merchant.

Sixth, That such as are owners of vessels will give positive orders to their captains or masters, not to receive on board their vessels any goods prohibited by the said non-importation agreement, on pain of immediate dismission from their service.

Seventh, We will use our utmost endeavours to improve the breed of sheep, and increase their number to the greatest extent; and to that end, we will kill them as seldom as may be, especially those of the most profitable kind; nor will we export any to the West-Indies or elsewhere, and those of us who are or may become overstocked with, or can conveniently spare any sheep, will dispose of them to our neighbours, especially to the poorer sort, on moderate terms.

Eight, We will, in our several stations, encourage frugality, œconomy, and industry, and promote agriculture, arts and manufactures of this country, especially that of wool; and will discountenance and discourage every species of extravagance and dissipation, especially all horse-racing, and all kinds of gaming, cock fighting, exhibitions of shews, plays, and other expensive diversions and entertainments; and on the death of any relation or friend, none of us, or any of our families, will go into any further mourning-dress, than a black crape or ribbon on the arm or hat, for gentlemen, and a black ribbon and necklace for ladies, and we will discontinue the giving of gloves and scarves at funerals.

Ninth, Such as are venders of goods or merchandize will not take advantage of the scarcity of goods, that may be occasioned by this association, but will sell the same at the rates we have been respectively

accustomed to do, for twelve months last past.—And if any vender of goods or merchandize shall sell any such goods on higher terms, or shall, in any manner, or by any device whatsoever, violate or depart from this agreement, no person ought, nor will any of us deal with any such person, or his or her factor or agent, at any time thereafter, for any commodity whatever.

Tenth, In case any merchant, trader, or other person, shall import any goods or merchandize, after the first day of December, and before the first day of February next, the same ought forthwith, at the election of the owner, to be either re-shipped or delivered up to the committee of the county or town, wherein they shall be imported, to be stored at the risque of the importer, until the non-importation agreement shall cease, or be sold under the direction of the committee aforesaid ; and in the last-mentioned case, the owner or owners of such goods shall be reimbursed out of the sales, the first cost and charges, the profit, if any, to be applied towards relieving and employing such poor inhabitants of the town of Boston, as are immediate sufferers by the Boston port-bill ; and a particular account of all goods so returned, stored, or sold, to be inserted in the public papers ; and if any goods and merchandizes shall be imported after the first day of February, the same ought forthwith to be sent back again, without breaking any of the packages thereof.

Eleventh, That a committee be chosen in every county, city, and town, by those who are qualified to vote for representatives in the legislature, whose business it shall be attentively to observe, of all persons touching this association ; and when it shall be made to appear, to the satisfaction of a majority of any such committee, that any person within the limits of their appointment has violated this association, that such majority do forthwith cause the truth of the case to be published in the gazette, to the end that all such foes to the rights of British-America may be publicly known, and universally contemned as the enemies of American liberty ; and thenceforth we respectively will break off all dealings with him or her.

Twelfth, That the committee of correspondence, in the respective colonies, do frequently inspect the entries of their custom-houses, and inform each other, from time to time, of the true state thereof, and of every other material circumstance that may occur relative to this association.

Thirteenth, That all manufactures of this country be sold at reasonable prices, so that no undue advantage be taken of a future scarcity of goods.

Fourteenth, And we do further agree and resolve, that we will have no trade, commerce, dealings or intercourse whatsoever, with any colony or province, in North-America, which shall not accede to, or which shall hereafter violate this association, but will hold them as unworthy of the rights of freemen, and as inimical to the liberties of their country.

And we do solemnly bind ourselves, and our constituents, under the ties aforesaid, to adhere to this association, until such parts of the several acts of parliament, passed since the close of the last war, as impose or continue duties on tea, wine, molasses, syrups, paneles, coffee, sugar, pimento, indigo, foreign paper, glass, and painters' colours, imported into America, and extend the powers of the admiralty courts beyond their ancient limits, deprive the American subject of trial by jury, authorize the judge's certificate to indemnify the prosecutor from damages, that he might otherwise be liable to, from a trial by his peers, require oppressive security from a claimant of ships or goods seized, before he shall be allowed to defend his property, are repealed. And until that part of the act of the 12 G. 3, ch. 24, entitled, "An act for the better securing his

majesty's dock-yards, magazines, ships, ammunition, and stores," by which any persons charged with committing any of the offences therein described, in America, may be tried in any shire or county within the realm, is repealed—and until the four acts, passed the last session of parliament, viz. that for stopping the port and blocking up the harbour of Boston—that for altering the charter and government of the Massachusetts-Bay - and that which is entitled, "An act for the better administration of justice, &c.,"—and that "For extending the limits of Quebec, &c.," are repealed. And we recommend it to the provincial conventions, and to the committees in the respective colonies, to establish such farther regulations as they may think proper, for carrying into execution this association.

The foregoing association being determined upon by the Congress, was ordered to be subscribed by the several members thereof; and thereupon, we have hereunto set our respective names accordingly.

*In Congress, Philadelphia, October* 24 [1774.]

Signed, PEYTON RANDOLPH, *President.*

Here follow the signatures of the delegates of each of the twelve states which then composed the confederacy, the delegates of Georgia not having taken their seats in Congress until Sept. 13, 1775.[1]

## MEETINGS IN 1775.

Jan. 30, 1775, warrants signed by John Hazeltine, chairman of the previous county convention, were sent to the several towns in the county, calling another convention at Westminster on the 7th of February, which was responded to by twelve towns, and the convention met and continued in session three days.

### CUMBERLAND COUNTY CONVENTION, FEB. 7–9, 1774.

[From the PINGRY PAPERS, filed "Coppy of the Doings of the Congress—To be Communicato Springfield."]

At A Meeting of the Delagats of twelve Towns in the County of Cumberland Convenᵈ Att Westminster and formᵈ into a body Febuary yᵉ 7ᵗʰ 1775,

[1] *Journals of Congress*, 1774–76, second edition, vol. I, pp. 26–36, and 181. The editor chose to give these most important proceedings of the first continental congress in full, for the reason that, while they became a part of the history of Vermont by the action of the Convention at Westminster, they never have been printed in any history or record of the state, and are now known by only the few persons who have examined the journals of the continental congress. The sentiment of the country in 1774 against the British government was far more unanimous than at the later date, when many had begun to count the cost of rebellion; and that sympathy for the persecuted people of Boston, which was manifested in almost every form of personal sacrifice, has never been so generously and spontaneously expressed by the whole country, unless it was in the recent case of the city of Chicago. Vermont was not then in a position to declare the sentiment of her people on the journals of Congress, as other states did; but that sentiment was the same that prevailed elsewhere, and was declared by the Convention at Westminster at the time.

1stly Voted that John Hazelton be the Chareman to the Convention.
2ly that Doct. Paul Spooner be the Clerk.
3ly put to vote wheather the Convention advise to the Choise of field officers and past in the negative.
4ly put to vote the Articul which provides an Apeal from a Justice Court and past in the negative.
5ly this meeting is Ajornd to Mr. Nortons[1] at Seven o clock this Evening.
6ly Met According to ajornment.
7ly Ajornd to Deacon Ranneys[2] to meet tomorrow morning Eight o clock.
8ly Met Eight o clock According to Jornment.
9ly that this Convention Recomend it [to] their Constitutiants to chuse a Man for their Supervisor at the next Anual meeting such as they would chouse if they ware to send him to New york as their Assemblyman; that so the Supervisors may select Two men out of their body, such as they shall think most proper; which they the supervisors of the County are desired to Return to their Constitutients for their Consideration and approbation by a Regular vote when Called upon to Chouse Assemblymen in said County.
10ly Voted—That Joshua Webb Nathaniel Robertson [Robinson, used both ways,] & Abijah Lovejoy of Westminster; Capt. Minerd of putney, [Samuel Minott, Major Vt. militia in 1784;] Solomon Hervy of fullom, [Fulham—Doct. Solomon Harvey of Dummerston;] Nathaniel Frinch [French] of Brattleborough; Wm. Bollock, [Bullock,] Hezekiah Stowell [of] Guilford; Lieut. Parterson of Hinsdall [Eleazer Patterson of Hinsdale, now Vernon;] Edward Haries [Harris] of Halifax; Charles Phillps [Phelps,] Capt. [Francis] Whitmore of Marlborough; Elijah Olvord [of] Draper, [Elijah Alvord of Wilmington;] Saml. Robertson of Newfain; John Hazelton [Hazeltine,] & Saml. Fletcher [of] Townshend; Jeams Rogers [of] Kent [now Londonderry;] Moses Guild [of] Chester; Moses Wright, & Jonathan Burt [of] Rockingham; Simon Stephens Esq: Springfield; Hezekiah Grout & Oliver Rider [of] Wheathersfield; Benjamin Wait [of] Windsor; Paul Spooner [of] Hertford [now Hartland;] Esq. Burch [of] Heartford [Jonathan Burk;] Jacob Haselton [of] Woodstock;[3] John Whinchester Daviee [of] phomfret, [John Winchester Dana

[1] John Norton's tavern in the tory East Parish, "the Royal inn of the village."—See B. H. Hall's *Eastern Vermont*, pp. 221, 752.

[2] Deacon and Captain Ephraim Ranney's tavern was in the whig West Parish —See *Eastern Vermont*, pp. 148, 445, 752.

[3] In the copy made by Judge James H. Phelps of Townshend, Jacob *Hoisington* is written instead of Haselton of Woodstock. *Joab* Hoisington was the first settler in Woodstock village, was elected first town-clerk in May 1773, and built mills in that town in 1776.—Z. Thompson's *Vermont*, Part III, 198. B. H. Hall names "Capt. Joab Hoisington of *Windsor*" in 1774; but in a list of New York officers, Aug. 15, 1775, gives the name of Capt. Joab Hoisington of *Woodstock*, who was appointed colonel of a regiment of minute men, Jan. 4, 1776, and Major of Rangers, July 24, 1776.—See *Eastern Vermont*, pp. 200, 771, 772. It is most probable that Joab Hoisington of *Woodstock* was the person intended as one of the above Standing Committee of Correspondence, for the additional reason that Windsor was represented by Benjamin

of Pomfret;] be a Standing Committee of Correspondence to Correspond with the Committee of Correspondance for the City of Newyork; and other Committees of Correspondance Elsewhere.[1]

11th. voted—That Col. John Hazelton be Chareman of the Committee of Correspondance.

12th. voted that Doct. Paul Spooner, Joshua Webb, Abijah Lovejoy, Solomon Hervey, and Capt. Whitmore Serve as Monitors to the Committee of correspondance to transfer All letters & All other Matters that are of Consequence or inteligence to the chareman, Col. Hazelton.

13th. Voted that this meeting be ajornd to thursday the ninth Day Eight oClock in the morning.

14th. Thursday, Met according to Ajornment.

15th. voted that in order to the better Calling Conventions for the future, be it Ordered that on the Application of the Committee of three towns to our chareman it be in his power to Call a Meeting of the Committee if he shall think proper, but on Application of five towns by their Committees that then A Meeting shall be Called Emediately.

16th. voted that Col. Hazelton be impowerd to Call the County together, by way of their Delegates, on any important immergence, and he is impowered Accordingly.

17th. Voted—That Charles Phlpes [Phelps] Esq & Doct. Solomon Hervy [Harvey] be a Committee to prepair Extracts from the votes and proceedings of this Congress for publication So far as they Refer to the publick, with some References to the former proceedings of the like Nature.

18th. Voted that Doct. Solomon Hervy Shall in the Absence of the Clerk Make use of the Clerks Name in any matter or thing that shall be thought nesessary Relative to this Convention.

19th. voted that this Convention Return their Sinsear thanks to the Chareman & the Clerk for their Good Services.

20th. that this meeting be ajoirnd without Day, & it was ajoirnd Accordingly. Coppy, Col. JOHN HAZELTON, *Chareman.*

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### THE WESTMINSTER MASSACRE.[2]

The next Convention in eastern Vermont grew out of the so called Westminster massacre, which was improved as a means of turning pub-

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Wait. *Ebenezer* Hoisington represented Windsor in the Dorset Convention of Sept. 25, 1770, the Westminster Conventions of October 30, 1776, andJanuary 15, 1777, and the Windsor Convention of June 4, 1777.

[1] B. H. Hall gives the names of the gentlemen composing that committee as being the delegates present in the Convention; but it will be seen that the committee represents twenty-one towns, whereas only twelve were represented in the Convention.

[2] Ira Allen characterized the killing of WILLIAM FRENCH and DANIEL HOUGHTON as "that odious and never to be forgotten *massacre.*" In "*Vermont's Appeal,*" by Hon. Stephen Row Bradley of Westminster, it was charged as "*shedding innocent blood;*" and six years after the affray, citizens of Rockingham, in a petition to the General Assembly, described it as "the shedding the first Blood that was shed in America to support Brittanic Government, *at the Horrid and Never to be for Got Massacre*

lic opinion in that section of the state against New York, whose officers, it was charged, were responsible for the shedding of innocent blood at Westminster on the 13th of March, 1775. The facts of the case may therefore fitly find a place here, in advance of the record of the Convention. In the *American Archives*, fourth series, vol. II, 1775, columns 214–15, is an account of the affair, which was published in New York city, in Holt's *New York Journal*, on the 23d of March, 1775. It is the tory account, as is sufficiently evident from the fact that the guilt of the first deliberate attempt to shed blood is charged upon the whigs. It declares that, by the sheriff's and court's party, "*three guns were fired over the door* in hopes the rioters would be intimidated and retire; but so determined were they in the undertaking, that the fire was immediately returned from the Court House," &c. It should be remembered that the court house was not in use by the court on the 13th, the 14th being court-day; and therefore that on the 13th the whigs were simply trespassers. This, with an *intention* to prevent the session of the court on the next day, was all that could reasonably be charged against them.[1] In that view of the matter, it became essential to show that the whigs fired *first* upon sheriff Patterson and his posse, in order to justify to public opinion the subsequent killing of French and Houghton; and this point the tory account attempted to make, by alleging that the posse first "*fired over the door*," when the whigs fired upon them. This important point is not sustained by the official account made on the 14th by the judges and other officers of the court, which puts the firing of the posse first, and does *not* claim that they "fired over the door." It is flatly contradicted by the account prepared by a committee appointed by the whigs, many of whom were present at the time. This was signed by Doct. REUBEN JONES, who was their clerk, and a reputable man. Speaking for the whigs, who occupied the court-house, they said: "We, in the house, had not any weapons of war among us, and were determined that they [the sheriff and his posse] should not come in with their weapons of war, except by the force of them." In addition to this, B. H. HALL has given the testimony of THEOPHILUS CRAWFORD, that "the whigs had not so much as a pistol among them;" of CALVIN WEBB, that "the liberty men had no guns when they first came, but after French was killed, they went home and got them;" and of SALMON WRIGHT,—a boy of twelve or thirteen at the time, who was present at the funeral of French—"that there were no arms carried by the liberty party, except clubs, which were obtained by the Rockingham Company at my grandfather's [Capt. AZARIAH WRIGHT'S] wood-pile. There were no Tories wounded,

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Committed at Westminster Cortt House on the Night of the 13th of March, 1775." - See *Eastern Vermont*, p. 750. The affair at Lexington and Concord, Mass., did not occur until the succeeding month of April.

[1] It was expected this would be effected by petition, without violence. —See the "Relation" by Reuben Jones.

save those knocked down by the club of PHILLIP SAFFORD." Again, in reference to the tory statements, he said : "they are all fudge ! that there were no weapons carried or used by the liberty men, except the above-mentioned clubs. This is a fixed fact." On the other hand, the officers of the court say, that the "rioters fought violently with their clubs, and fired some few fire-arms at the Posse, by which Mr. Justice Butterfield received a slight shot in the arm, and another of the Posse received a slight shot in the head with Pistol Bullets." Depositions of Oliver Church, Joseph Hancock, and John Griffin were to a like effect. These contradictions are reconcilable on the supposition that the persons in the posse received their pistol-wounds, if any, from their own party ; or that their wounds came from the clubs of the whigs, and particularly from that of Philip Safford, who boldly fought his way out through the crowd of tories, knocking down eight or ten of them. The affray was in the night ; the whigs and tories at and near the door were at close combat ; and in the darkness and confusion, the tories doubtless supposed that some of the shots came from the whigs. It is admitted by the officers of the court that the sheriff's posse was armed in preparation for an assault, while the whigs deny having any arms until after the assault had been made. It is not unreasonable to infer that the tory witnesses were mistaken in their supposition that the whigs fired upon the posse, though there can be no doubt that they would have done so after French, Houghton, and others had been shot.[1]

The two accounts of this affair, which are of the highest authority, are "*A Relation*," drawn by a committee of the whigs, appointed at Westminster on the 15th—the second day after the "massacre;" and "*State of the Facts*," made by the judges and other officers of the court on the 14th.

### A RELATION OF THE PROCEEDINGS

### OF THE

### PEOPLE OF THE COUNTY OF CUMBERLAND, AND PROVINCE OF NEW-YORK.

In June, 1774, there were some letters came to the supervisors of said county, from the committee of correspondence at New-York, signed by their chairman, Mr. Low ; which letters said supervisors, through ignorance or intention, kept until September, when they had another meeting ; and it is supposed that they intended always to have kept them, and the good people would have remained in ignorance about them until this time, had it not been by accident that it was whispered abroad, so

[1] WILLIAM FRENCH of Brattleboro' died of his wounds before daylight of the 14th ; and DANIEL HOUGHTON of Dummerston survived only nine days. JONATHAN KNIGHT of Dummerston and a Mr. WHITE of Rockingham were wounded severely, but recovered. For a very full account of this affair, from both official and other sources, see B. H. HALL's *Eastern Vermont*, pp. 209–241 and 746–755.

that Dr. Reuben Jones of Rockingham, and Capt. Azariah Wright of Westminster heard of it, and took proper care to notify those towns. A meeting was called in the two towns aforesaid, and a committee was chosen by each town, to wait on the supervisors, at their meeting in September, to see if there were any papers that should be laid before the several towns in the county; and they found that there were papers come from the committee of correspondence, that should have been laid before the towns in June. The supervisors made many excuses for their conduct: some plead ignorance, and some one thing, and some another: but the most of them did seem to think, that they could send a return to the committee at New-York, without ever laying them before their constituents; which principle, at this day, so much prevails, that it is the undoing of the people. Men, at this day, are so tainted with the principles of tyranny, that they would fain believe, that as they are chosen by the people to any kind of office, for any particular thing, that they have the sole power of that people by whom they are chosen, and can act in the name of that people in any matter or thing, though it is not in any connection with what they were chosen for. But the committees would not consent to have a return made, until every town in the county had Mr. Low's letters laid before them; which was done, and a county congress was called; return was made, a committee was chosen to see that it was put in print; but, through interest, or otherwise, it never was published in any of the papers.

Immediately after, the people of the county aforesaid received the resolves of the continental congress. They called a county congress, and did adopt all the resolves of the continental congress as their resolves, promising religiously to adhere to that agreement or association. There was a committee of inspection moved for, to be chosen by the county, according to the second [eleventh] resolve of the association aforesaid: but being much spoken against by a justice and an attorney, and looked upon by them as a childish, impertinent thing, the delegates dared not choose one. At this time there were tory parties forming, although they were under disguise; and had laid a plan to bring the lower sort of the people into a state of bondage and slavery. They saw that there was no cash stirring, and they took that opportunity to collect debts, knowing that men had no other way to pay them, than by having their estates taken by execution, and sold at vendue. There were but very few men among us that were able to buy; and those men were so disposed, that they would take all the world into their own hands, without paying any thing for it, if they could, by law; which would soon bring the whole country into slavery. Most, or all of our men in authority, and all that wanted court favours, seemed much enraged, and stirred up many vexatious law-suits, and imprisoned many, contrary to the laws of this province, and the statutes of the crown. One man they put into close prison for high treason; and all that they proved against him, was, that he said if the King had signed the Quebec bill, it was his opinion that he had broke his coronation-oath.[1] But the good people went and opened the prison door and let him go, and did no violence to any man's person or property.

Our men in office would say that they did like the resolutions of the continental congress, and they ought to be strictly adhered to, until our general assembly voted against them. Then they said, that this would do for the Bay-Province, but it was childish for us to pay any regard to them. Some of our court would boldly say, that the King had a just right to make the revenue-acts, for he had a supreme power; and he

[1] Leonard Spaulding of Dummerston.

that said otherwise was guilty of high treason, and they did hope that they would be executed accordingly. The people were of opinion that such men were not suitable to rule over them : and, as the general assembly of this Province would not accede to the association of the continental congress,[1] the good people were of opinion, that if they did accede to any power from or under them, they would be guilty of the breach of the 14th article of that association, and may justly be dealt with, accordingly, by all America. When the good people considered that the general assembly were for bringing them into a state of slavery, (which did appear plain by their not acceding to the best method to procure their liberties, and the executive power so strongly acquiescing in all that they did, whether it was right or wrong ;) the good people of said county thought it time to look to themselves. And they thought that it was dangerous to trust their lives and fortunes in the hands of such enemies to American liberty ; but more particularly unreasonable that there should be any court held ; since, thereby, we must accede to what our general assembly had done, in not acceding to what the whole continent had recommended ; and that all America would break off all dealings and commerce with us, and bring us into a state of slavery at once. Therefore in duty to God, ourselves, and posterity, we thought ourselves under the strongest obligations to resist and to oppose all authority that would not accede to the resolves of the continental congress. But knowing that many of our court were men that neither feared or regarded men, we thought that it was most prudent to go and persuade the judges to stay at home. Accordingly there were about forty good true men went from Rockingham to Chester, to dissuade Col. Chandler, the chief judge, from attending court. He said he believed it would be for the good of the county not to have any court, as things were ; but there was one case of murder that they must see to, and if it was not agreeable to the people, they would not have any other case. One of the committee told him that the sheriff would raise a number with arms, and that there would be bloodshed. The Colonel said that he would give his word and honour that there should not be any arms brought against us ; and he would go down to court on Monday the 13th of March inst., which was the day that the court was to be opened.[2] We told him that we would wait on him, if it was his will. He said, that our company would be very agreeable ; likewise he returned us his hearty thanks for our civility, and so we parted with him.

We heard from the southern part of the state, that Judge Sabin was very earnest to have the law go on, as well as many petty officers. There were but two judges in the county at that time, Col. Wells being gone to New-York. There was a great deal of talk in what manner to stop the court ; and at length it was agreed on to let the court come together, and lay the reasons we had against their proceeding, before them, thinking they were men of such sense that they would hear them. But on Friday, we heard that the court was going to take possession of the house on the 13th inst., and to keep a strong guard at the doors of said house, that we could not come in. We being justly alarmed by the deceit of our court, though it was not strange, therefore we thought proper to get to court before the armed guards were placed ; for, we were determined that our grievances should be laid before the court, before it was opened. On Monday, the 13th of March inst., there were about 100 of us entered the court-house, about four o'clock in the afternoon. But

[1] The New York association was not adopted until April following.

[2] The court was to sit on the 14th.—See "*State of the Facts*," by the officers of the court.

we had but just entered, before we were alarmed by a large number of men, armed with guns, swords and pistols. *But we, in the house, had not any weapons of war among us, and were determined that they should not come in with their weapons of war, except by the force of them.*

Esq. Patterson came up at the head of his armed company, within about five yards of the door, and commanded us to disperse ; to which he got no answer. He then caused the King's Proclamation to be read, and told us, that if we did not disperse in fifteen minutes, by G—d he would blow a lane through us. We told him that we would not disperse. We told them that they might come in, if they would unarm themselves, but not without. One of our men went out at the door, and asked them if they had come for war ; told them that we were come for peace, and that we should be glad to hold a parley with them. At that, Mr. Gale, the clerk of the court, drew a pistol, held it up, and said, d—n the parley with such d——d rascals as you are ; I will hold no parley with such d——d rascals, but by this,—holding up his pistol. They gave us very harsh language, told us we should be in hell before morning ; but, after a while, they drew a little off from the house, and seemed to be in a consultation. Three of us went out to treat with them ; but the most, or all, that we could get from them, was, that they would not talk with such d——d rascals as we were ; and we soon returned to the house, and they soon went off.

Col. Chandler came in, and we laid the case before him, and told him that we had his word that there should not be any arms brought against us. He said that the arms were brought without his consent, but he would go and take them away from them, and we should enjoy the house undisturbed until morning ; and that the court should come in the morning without arms, and should hear what we had to lay before them ; and then he went away. We then went out of the house and chose a committee, which drew up articles to stand for, and read them to the company ; and they were voted *nem. con. dis.* and some of our men went to the neighbours, and as many as the court and their party saw, they bound.

About midnight, or a little before, the sentry, at the door, espyed some men with guns, and he gave the word to man the doors, and the walk was crowded. Immediately, the sheriff and his company marched up fast, within about ten rods of the door, and then the word was given, take care, and then, fire. Three fired immediately. The word fire was repeated ; G—d d—n you fire, send them to hell, was most or all the words that were to be heard for some time : on which, there were several men wounded ; one was shot with four bullets, one of which went through his brain, of which wound he died next day. Then they rushed in with their guns, swords, and clubs, and did most cruelly mammoc several more ; and took some that were not wounded, and those that were, and crowded them all into close prison together, and told them that they should all be in hell before the next night, and that they did wish that there were forty more in the same case with that dying man. When they put him into prison, they took and dragged him as one would a dog; and would mock him as he lay gasping, and make sport for themselves, at his dying motions. The people that escaped took prudent care to notify the people in the county, and also in the government of New-Hampshire, and the Bay ; which being justly alarmed at such an unheard of and aggravated piece of murder, did kindly interpose in our favour.

On Tuesday, the 14th inst about 12 o'clock, nearly 200 men, well armed, came from New-Hampshire government ; and before night there were several of the people of Cumberland county returned, and took up all they knew of, that were in the horrid massacre, and confined them under a strong guard ; and afterwards they confined as many as they

could get evidence against, except several that did escape for their lives. On the 15th inst. the body formed, chose a moderator and clerk, and chose a committee to see that the coroner's jury of inquest were just, impartial men ; which jury on their oath did bring in, that W. Patterson, &c. &c. did, on the 13th March inst., by force and arms, make an assault on the body of William French, then and there lying dead, and shot him through the head with a bullet, of which wound he died, and not otherwise.[1] Then, the criminals were confined in close prison, and, on the evening of the same day, and early the next morning, a large number came from the southern part of the county of Cumberland, and the Bay Province. It is computed, that in the whole, there were 500 good martial soldiers, well equipped for war, that had gathered. On the 16th inst. the body assembled ; but being so numerous that they could not do business, there was a vote passed, to choose a large committee to represent the whole, and that this committee should consist of men who did not belong to the county of Cumberland, as well as of those that did belong thereto : which was done. After the most critical and impartial examination of evidence, voted, that the heads of them should be confined in Northampton jail, till they could have a fair trial ; and those that did not appear so guilty, should be under bonds, holden to answer at the next court of oyer and terminer in the county aforesaid ; which was agreed to. On the 17th inst. bonds were taken for those that were to be bound, and the rest set out under a strong guard for Northampton.

We, the committee aforesaid, embrace this opportunity to return our most grateful acknowledgments and sincere thanks to our truly wise and patriotic friends in the goverments of New-Hampshire and the Massachusetts-Bay, for their kind and benevolent interposition in our favour, at such a time of distress and confusion aforesaid ; strongly assuring them, that we shall be always ready for their aid and assistance, if by the dispensations of divine providence, we are called thereto.[2]

Signed by order of the Committee. REUBEN JONES, *Clerk.*

*Cumberland County, March 23d*, 1775.

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[1] The report of the coroner's jury was as follows:

New York

Cumberland County. An Inquision* Indented & Taken at Westminster the fifteenth Day of March one Thousand Seven Hundred and Seventy five before me Tim$^{o}$ Olcott Gent one of the Corroners of the County afore Said upon the Veiw of the Body of William French then and there Lying Dead upon the oaths of Tho$^{s}$ Amsden John Avorll Joseph Pierce Natha$^{el}$ Robertson Edward Hoton Michal Law George Earll Daniel Jewet Zachriah Gilson Ezra Robenson Nathaniel Davis Nathaniel DoubleDee John Wise Silas Burk Elihue Newel Alex$^{r}$ Pammerly Joseph Fuller Good and Lawfull men of the County afore Said who being Sworn to Enquire on the part of our Said Lord the King when where how and after what manner the Said W$^{m}$ French Came to his Death Do Say upon their oaths that on the thirteenth Day of March Instant William Paterson Esq$^{r}$ Mark Langdon Cristopher Orsgood Benjamin Gorton Samuel Night and others unknown to them assisting with force and arms made an assalt on the Body of the Said W$^{m}$ French and Shot him Through the Head with a Bullet of which wound he Died and Not Otherways in witness where of the Coroner as well as the Juryors have to this Inquision put their hands and Seals att the place afore Said.—*Eastern Vermont*, p. 230.

[2] The tory account in Holt's paper charged the Bennington county whigs, in particular, with rallying to Westminster immediately after the

* Inquisition was intended, same as Inquest.

STATE OF THE FACTS.

'New York County of Cumberland court of common Pleas, And court of General Sessions of the Peace holden at the court House in Westminster this Fourteenth Day of March A. D. 1775. Whereas a very melancholly and unhappy affair Happened at this Place in the evening of yesterday The thirteenth Instant and Whereas it may be that the Same may Be represented very Different From what The same really was We his majesty's Judges and Justices of the said Courts being chiefly there Present have Thought it our Duty thus to relate a true state of the Facts Exactly as they happened.

Many threats having for several Terms past been Thrown out by evil minded persons that they would With Violence break up and Destroy the courts of our Sovereign Lord the king in this county and threats of A more Daring and absolute nature than formerly having been thrown out by certain Evil Minded persons Against the setting of this present Court the Sheriff tho't it Essentially necessary to raise a Posse For the Courts Protection and having Raised about sixty Men armed some With Guns and some with staves he arrived At their head before the Court House about five o'clock In the afternoon of yesterday When to the Great Surprise of the said Sheriff and Posse they found the court house Taken into Possession and the several Doors thereof Guarded By a large number of Rioters (supposed to be about an Hundred in the whole) armed With clubs and some Few fire arms. The Sheriff then endeavored to Go in at the Door of the court-house, but was prevented by Threats And menaces; whereupon he read the King's Proclamation, with a very loud voice commanding In his Majesty's name all persons unlawfully assembled Immediately to Depart, and thereupon Demanded Entrance again But was again refused and Prevented by threats and menaces as Before. The Sheriff then told the Rioters that he would Leave them a short time to consider of their behaviour And to Disperse, and if they would not afterwards allow Him Entrance into the said court-house That he would Absolutely Enter it by force. But the Rioters made scoff at this Measure replying the hardest must fend off. The Rioters a little time afterwards wanted to choose committees to Parley but was answered that they could not Parley to consider whether the King's Court Should proceed or not. Judge Chandler informed them that if they had any real grievances to complain of if they would Present a Petition to the court when sitting it should be heard the Sheriff then gave the Posse Liberty To refresh themselves and about two Hours afterward He Brought the said Posse Before the courthouse again and then again Demanded Entrance in his majesty's Name but was again refused in like manner as Before Whereupon he told them that he would Absolutely enter it Either Quietly or by force and commanded the Posse to follow close to him which they Accordingly Did and getting near The Door he was struck several Blows with clubs, which he had the Goodness in General to fend off so far at least as not to Receive any very Great Damage but several of their clubs striking Him as he was goeing

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massacre. No mention is made of them above, and moreover Lieut. Gov. Colden of New York, in an official dispatch to Lord Dartmouth, expressly exonerated them, adding, however: "Yet I make no doubt they will be joined by the Bennington Rioters, who will endeavor to make one common cause of it, though they have no connection but in their violence to Government."—See *Eastern Vermont*, pp. 239, 240.

up the steps, and The Rioters Persisting in maintaining Their Ground, he ordered some of the Posse to fire, which they accordingly did. The Rioters then fought Violently with their clubs and fired some few fire arms at the Posse by which Mr. Justice Butterfield received a slight shot in the arm and another of the Posse received a slight shot in the head with Pistol Bullets; but happily none of the Posse were mortally wounded. Two persons of the Rioters were Dangerously wounded (one of whom is since dead) and several others of the Rioters were also wounded but not Dangerously so. Eight of the Rioters were taken prisoners (including The one which is since Dead) & the wounded were taken care of by Doct. Day, Doct. Hill and Doct. Chase. The latter of which was immeadiately sent for on Purpose. The rest of the Rioters Dispersed giving out Threats that they would collect all the force Possible and would return as on this Day to revenge themselves on the Sheriff and on several others of the Posse.

This Being a true state of the facts without the least Exaggeration on the one side or Diminution on the other We humbly submit to Every Reasonable Inhabitant whether his majesty's courts of Justice the Grand and only security For the life liberty and property of the publick should Be trampled on and Destroyed whereby said persons and properties of individuals must at all times be exposed to the Rage of a Riotous and Tumultuous assembly or whether it Does not Behove Every of his Majesty's Liege subjects In the said county to assemble themselves forthwith for the Protection of the Laws and maintenance of Justice.

Dated in open Court the Day and Year Aforesaid.

Thomas Chandler,
Noah Sabin,
Step'h Greenleaf,
Benj'a Butterfield,
Bildad Andross,
S. Gale, Clk.

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### Convention at Westminster, April 11, 1775.

At a meeting of Committees appointed by a large body of inhabitants on the east side of the range of Green Mountains, held at Westminster, on the 11th day of April, 1775.

1. Voted, That Major Abijah Lovejoy be the Moderator of this meeting.

2. Voted, That Dr. Reuben Jones be the Clerk.

3. Voted, as our opinion, That our inhabitants are in great danger of having their property unjustly, cruelly, and unconstitutionally taken from them, by the arbitrary and designing administration of the government of New York; sundry instances having already taken place.

4. Voted, as our opinion, that the lives of those inhabitants are in the utmost hazard and imminent danger, under the present administration, Witness the malicious and horrid massacre of the night of the 13th ult.

5. Voted, as our opinion, That it is the duty of said inhabitants, as predicated on the eternal and immutable law of self-preservation, to wholly renounce and resist the administration of the government of New-York, till such time as the lives and property of those inhabitants may be secured by it; or till such time as they can have opportunity to lay their grievances before his most gracious Majesty in Council, together with a proper remonstrance against the unjustifiable conduct of that government; with an humble petition, to be taken out of so oppressive a jurisdiction, and, either annexed to some other government, or erected and

incorporated into a new one, as may appear best to the said inhabitants, to the royal wisdom and clemency, and to such time as his Majesty shall settle this controversy.

6. VOTED, That Colonel John Hazeltine, Charles Phelps, Esq., and Colonel Ethan Allen, be a Committee to prepare such remonstrance and petition for the purpose aforesaid.—Slade's *State Papers*, p. 60.

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CUMBERLAND COUNTY CONGRESS AT WESTMINSTER, JUNE 6, 1775.

In May, 1775, a Provincial Congress of the several counties had been called to meet in New York city, and the delegates of nine counties did meet on the 22d and organize as a Congress on the 23d. No delegates appeared from the territory of Vermont until the 24th, when

*John Williams* and *William Marsh*, from *Charlotte* County, appeared in Congress and produced a Certificate signed by fourteen gentlemen, the respective Committees of *White Creek*, *Camden*, [New York,] *Arlington*, *Manchester*, *Dorset*, *Rupert*, *Pawlett*, and *Wells*, in *Charlotte* County, certifying that the said *John Williams* and *William Marsh* are appointed deputies to attend this Congress. The same was read and filed.

*Ordered*, That they take their seats.[1]

The people of Cumberland county, through want of sufficient notice it seems, had not been able to send delegates for the organization of the Provincial Congress, and on the 6th of June a "County Congress" or "Committee" met at Westminster and proceeded as follows:

[From the *American Archives*, Fourth Series, Vol. II, cols. 918, 919.]

At a full meeting of the Delegates from the several Towns in the County of *Cumberland*, Colony of *New-York*, convened at *Westminster*, *June* 6, 1775:

The County of *Cumberland* having received certain intelligence from Mr. *Isaac Low*, Chairman of the Committee of Correspondence at *New-York*, that it is the desire of the said respectable Committee of Correspondence at *New-York*, that the sense of the people in said County of *Cumberland* should be fully known with regard to the hostile measures that are using by the *British* Parliament to enforce the late cruel, unjust, and oppressive Acts of the said *British* Parliament, through the *British* Colonies in *America:* We, the Delegates from the several Towns and Districts in said County of *Cumberland*, being chosen by the freeholders and inhabitants of the same, to exhibit to the Provincial Congress the sense and voice of the people with regard to the unjust proceedings of the *British* Parliament, &c., do pass the following Resolves:

1. *Resolved, nem. con.*, That the late Acts of the *British* Parliament, passed in order to raise a revenue in America, are unjust, illegal, and diametrically opposite to the Bill of Rights, and a fundamental principle of the *British* Constitution, which is, "that no person shall have his property taken from him without his consent."

2. *Resolved, nem. con.*, That we will resist and oppose the said Acts of Parliament, in conjunction with our brethren in *America*, at the ex-

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[1] *American Archives*, Fourth Series, vol. II, 1775, col. 1246. Mr. MARSH alone was from Vermont.—See *ante*, pp. 15, 22. Doct. JOHN WILLIAMS was a resident of White Creek, N. Y., now Salem.

pense of our lives and fortunes, to the last extremity, if our duty to *God* and our Country require the same.

3. *Resolved, nem. con.*, That we think it needless to pass many resolves exhibiting our sentiments with regard to the unhappy controversy subsisting between *Great Britain* and *America*. Let it suffice, therefore, that we fully acquiesce with what our brethren have lately done at *New-York*, in their late Association; and it is hereby resolved that the late Association entered into at *New York* is perfectly agreeable to the sentiments of the freeholders and inhabitants of this County, and that they fully acquiesce in the same.[2]

4. *Resolved, nem. con.*, That this County is at present in a very broken situation with regard to the civil authority. We therefore sincerely desire that the advice of the honourable Congress may be by our Delegates transmitted to us, whereby some order and regularity may be established among us. We therefore should take it as a favour if the honourable Congress would particularly recommend to us in this County

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[2] The "Association" referred to was adopted in the city of New York April 29, 1775, and sent to all the counties in the province—as follows:

Persuaded that the salvation of the rights and liberties of *America* depend, under *God*, on the firm union of its inhabitants, in a vigorous prosecution of the measures necessary for its safety, and convinced of the necessity of preventing the anarchy and confusion which attend a dissolution of the powers of Government: We, the Freemen, Freeholders, and inhabitants of the City and County of *New-York*, being greatly alarmed at the avowed design of the Ministry to raise a revenue in *America*, and shocked by the bloody scene now acting in the *Massachusetts-Bay*, do, in the most solemn manner, resolve never to become slaves; and do associate, under all ties of religion, honour, and love to our Country, to adopt and endeavour to carry into execution whatever measures may be recommended by the Continental Congress, or resolved upon by our Provincial Convention, [the Provincial Congress not having been organized until the succeeding month.] for the purpose of preserving our Constitution and opposing the execution of the several arbitrary and oppressive Acts of the *British* Parliament, until a reconciliation between *Great Britain* and *America*, on constitutional principles, (which we most ardently desire,) can be obtained: and that we will, in all things, follow the advice of our General Committee respecting the purposes aforesaid, the preservation of peace and good order, and the safety of individuals and private property.—*American Archives*, Fourth Series, vol. II, 1775, col. 471.

"All the men in Townshend," (fifty-one,) Col. JOHN HAZELTINE at the head, signed this agreement, and the seven absentees were in service at Roxbury (Mass.) under General Washington at the time—July 12, 1775. Precisely the same number signed the agreement in Springfield, SIMON STEVENS at the head, the return being dated Dec. 21, 1775. The number of signers in Weathersfield was twenty-one, ELIPHALET SPAFFORD at the head, and only three men refused to sign. As the returns were to embrace the names of those who refused to sign, the inference is that *every* freeman of Springfield signed. The association or pledge most generally signed in Vermont was the briefer and unequivocal one adopted by the Convention at Dorset, July 24, 1776.—See *ante*, pp. 21, 22.

some measures to be pursued by us the inhabitants of the same; for we are persuaded their advice herein would have great weight to influence our people universally to pursue such measures as would tend to the peace, safety, and good order of this County for the future.

5. *Resolved, nem. con.*, That we, the inhabitants of this County, are at present in an extremely defenceless state with regard to arms and ammunition. We sincerely desire the honourable Provincial Congress would consider us in this respect, and from their generosity and goodness would do what in them lies for our relief in the premises. We have many brave soldiers, but, unhappily for us, we have nothing to fight with.

6. *Resolved, nem. con.*, That in pursuance of the Honourable *Isaac Low's* (Chairman of the Committee of Correspondence) request for this County to send Delegates to the City of *New-York*, in order to ascertain the sentiments of the people in the County concerning the unconstitutional measures lately adopted by the *British* Parliament against the *Americans* in general, and some other matters, and so forth, we do hereby vote and resolve, that Col. *John Hazeltine*, Doctor *Paul Spooner*, and *William Williams*, Esquire, be our Delegates to meet and join the other respectable Delegates convened at *New-York*, to represent the affairs of this County in said Congress, at the City of *New-York*.

JOHN HAZELTINE,
*Chairman of the County of Cumberland Congress and Committee of Correspondence.*[1]

The county "Congress" again met at Westminster on the 26th of July, 1775, and authorized Major [afterward Colonel] WILLIAM WILLIAMS to act for both of the delegates of the county in the N. Y. Provincial Congress;[2] and he was permitted so to do, casting the two votes of the county. In August, the Province was divided into military districts, and the counties of Charlotte, Cumberland, and Gloucester were embraced in one brigade. On the 4th of November, a new election of deputies having been ordered, the Provincial Congress was dissolved. On the 21st, the county "Congress" met once more at Westminster, and proceeded, first as a "Congress" to elect deputies, and then as a "COMMITTEE OF SAFETY" to nominate militia officers.

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[1] These three delegates were afterwards prominent supporters of the government of Vermont. Their credentials to the New York Provincial Congress, presented June 21, were "signed by *John Hazeltine*, Chairman, and *Sol. Phelps*, D. Clerk." June 8, Col. HAZELTINE stated the proceedings of the County Congress to the President of the Provincial Congress in a patriotic letter; and a letter of the 9th to the same gentleman, from WILLIAM WILLIAMS, BENJAMIN WAIT, and JOAB HOISINGTON, tendered their services as colonel, lieutenant-colonel, and major (in the order of their names) of a regiment to be raised in Cumberland county. They were severally commissioned by New York, though not for this proposed regiment. Hoisington died while serving under a New York commission as major of rangers, while Williams and Wait both served under Vermont.

[2] *American Archives*, Fourth Series, Vol. III, 1775, col. 528.

## Cumberland County Congress and Committee of Safety, Nov. 21, 1775.

[From the *American Archives*, Fourth Series, Vol. IV, 1775–1776, col. 426.]

May it please your Honour: We, the Committee of Safety for this County, have proceeded in the election of Deputies, pursuant to the resolves of the honourable Congress for the Colony of *New-York*, of *October* 18, 1775: And this certifies, that Major *William Williams* and Doctor *Paul Spooner*, are chosen by this County, to represent the people thereof in the honourable Provincial Congress, at the city of *New-York*. Also, we, the Committee of Safety for this County, have presumed to nominate Colonel *James Rogers* to be the Brigadier for *Cumberland*, *Gloucester*, and *Charlotte* Brigade.

Moreover, according to the directions of the honourable Provincial Congress of *New-York*, (as are transmitted to us,) per our Delegate, Major *Williams*, we have recommended that the following gentlemen, belonging to this County, be speedily commissioned by said Congress viz: Lower Regiment in the County: Major *William Williams*, first Colonel; Major *Jonathan Hunt*, second Colonel; Lieutenant *John Norton*, first Major; *Oliver Lovell*, second Major; *Arad Hunt*, Adjutant; and *Samuel Fletcher*, Quartermaster.

Upper Regiment: Captain *Joseph Marsh*, first Colonel; Capt. *John Barrett*, second Colonel; Lieutenant *Hilkiah Grout*, first Major; Captain *Joel Mathews*, second Major; *Timothy Spencer*, Adjutant; *Amos Robinson*, Quartermaster.

Regiment of Minute Men: Capt. *Job* [Joab] *Hoisington*, first Colonel; *Seth Smith*, second Colonel; *Joseph Tyler*, first Major; *Joel Marsh*, second Major; *Timothy Phelps*, Adjutant; *Elisha Hawley*, Quartermaster.

The honourable Provincial Congress complying with our request, as speedily as possible, will much oblige your most obedient humble servant. Signed by order of the Committee of Safety: John Barrett, *Clerk*.

To the Honourable the President of the Provincial Congress at the City of *New-York*.

Cumberland County, Westminster, December 2, 1775.

Major Williams was in New-York at the time of his re-appointment as deputy, acting as a member of the Provincial Committee of Safety. On the 20th of Dec. he was joined by Doct. Spooner, who took his seat in the Provincial Congress on that day, and on the same day delivered remonstrances signed by thirty-one inhabitants of Putney, a large number [names not given] of Westminster, and fifty-five inhabitants of Fulham, all protesting against a confirmation of the militia officers nominated by the Committee of Safety, and asking that the sense of the people of the county might be taken. With these documents he also presented a letter from Col. James Rogers, "whereby for political reasons, he declines the office of Brigadier General of the Militia."[1] The remonstrances charged that some of the nominees of the Committee of Safety were hostile to the liberties of America, naming John Norton of Westminster, whose hotel was favored by the tories. Rogers joined the British shortly after. No objections were made to the nominees for the upper regiment, or for the regiment of minute-men, and they were confirm-

[1] *Am. Archives*, Fourth Series, vol. IV, 1775–1776, cols. 429–431.

ed Jan. 4, 1776. The question of Cumberland county officers [lower regiment] was remitted to a full meeting of the Committee of Safety.[1] Jan. 9, 1776, the Provincial Committee of Safety, in the recess of the Congress, urged the inhabitants of the County to cultivate a more harmonious spirit, and for this purpose to elect "a large respectable County Committee."[2]

## MEETINGS IN 1776 AND 1777.

Feb. 1, 1776, in response to the advice above stated, "a pretty full meeting of the Committee of Safety for this County" was held at Westminster, BENJAMIN CARPENTER, chairman, when officers for the lower regiment were agreed upon, as follows: "Major *William Williams*, First Colonel; *Benjamin Carpenter*, Esq., Second Colonel; *Oliver Lovell*, Esq., First Major; *Abijah Lovejoy*, Second Major; *Samuel Minott*, Jun., Adjutant; *Samuel Fletcher*, Quartermaster."[3] The nominees of the November meeting dropped were Major Jonathan Hunt as second colonel, John Norton [tory] as first major, and Arad Hunt as adjutant. That Major Jonathan Hunt might not be prejudiced by this action, Col. Carpenter wrote that he "entirely refused to accept a commission in the lower department."

On the 22d of May, 1776, three committee-men from each of the counties of Cumberland and Gloucester met at Windsor, in response to a circular issued to the Committees of Safety of these counties and the county of Charlotte. The latter was not represented, when the Committees [six persons] for the other counties, proceeded to nominate Col. JACOB BAYLEY of Newbury for Brigadier-General, and Col. SIMON STEVENS of Springfield for Brigade-Major, of which a return was made to the New York Provincial Congress by Col. JOSEPH MARSH of Hartford, who was one of the Cumberland county committee. On the 7th of June 1776 the Provincial Congress assigned one hundred and twenty-five men to Cumberland county, and seventy-five men to Gloucester, as the quota of each towards three thousand men to be raised by the Province for continental service; and the militia of these counties having been formed into a brigade, the nominations of Brig. Gen. BAYLEY and Brigade Major STEVENS were confirmed on the 1st of August.[4]

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[1] Some of the difficulty was occasioned by the fact that the Committee of Safety in November, a part of the members only being present, nominated lists of officers different from other lists named by a much larger meeting in June preceding. The June lists were as follows: Lower regiment—James Rogers, colonel, Eleazer Patterson, lieut.-col., — Lovejoy, major. Upper regiment Simon Stevens, colonel, Joseph Marsh of Hartford,* lieut.-col., Benja. Wait, Major.

[2] *Am. Archives, Fourth Series*, vol. IV, col. 1031. [3] *Same*, vol. V, col. 323.

[4] B. H. Hall's *Eastern Vermont*, pp. 255–6, 266–7.

* Joseph Marsh of Weathersfield was another man, who refused to sign the "Association."

Next in order comes the journal of the Cumberland County Committee of Safety, from June 11 1776 to Sept. 3 1777, which is copied from the admirably preserved "PINGRY PAPERS." Among these papers are other manuscripts and hand-bills, which are interesting to the antiquarian, but as these are not within the legitimate scope of this volume, they are of course omitted.

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## JOURNAL OF THE CUMBERLAND COUNTY COMMITTEE OF SAFETY.

JUNE 11 1776 TO SEPTEMBER 3 1777.

MEETING AT WESTMINSTER, JUNE 11–13, 1776.

[From the *Pingry Papers.*]

*Hinsdale* } John Bridgman, Esq.,
[*Vernon,*] } Mr. Arad Hunt.
*Brattlebo:*—Mr. Isreal Smith & John Sergeant.
*Gillford*—Mr. Isreal Gurley & [Samuel] Nichols.
*Hallefax* –
*Marlborough*—Mr. [Jonathan] Warren.
*Newfane*—Luke Knolton [Knoulton] Esq.
*Townsend* — Mr. Joseph Tyler & Samel Fletcher.
*Fullom*—[*Fulham—Dummerston*] — Joseph Hildrith & Ebenr. Haven.
*Putney*—Capt. James Clay, Lucas Willson.
*Draper* [*Wilmington*] — Elijah Alvord and John Gibbs.
*Westminr.* —John Norton, Elkanah Day.
*Rockingham* – Wm. Simons [or Simonds,] Ebenr. Fuller.
*Chester*—John Chandler Esqr. Cap. George Earl.
*Kent* [*Londonderry*]—Capt. Edward Aikan, [Aiken,] 2d.
*Springfield*—Simon Stevens, Jerathl. Powers.
*Windsor*—Ebenr. Horsenton [Hoisington,] and Ebenr. Curtis.
*Hartford*—
*Pomfret*—
*Wethersfield* — Isreal Burlingame, Wm. Upham.
*Woodstock*—
*Hertford*—[*Hartland*—] Jonathan Burk.

JUNE 11th, 1776.

The above Gentlemen being Chosen & returned to serve as a County Committee of Safety for the County of Cumberland, Being met, Formed into a body at the County house in Westminster, on the day above sd., did Proceed to act on the Following Articles:

1t. Choose Capt. James Clay, Chairman.

2dly. Choose Dr. Elkanah Day, Clerk.

3dly. Deliberated on some Papers from Rockingham against one Bennet, & not finding full Propriety to act, the Complainant not being present or the Evidence, we therefore resolve that the matter be Defer'd till Tomorrow, Two oClock afternoon, he the sd. Bennet finding surities or be Committed.

4thly. Adjorn'd. this meeting till 7 o Clock tomorrow morn.

JUNE 12th.

7 oClock in the Morn: met according to adjornment, and resolved

5thly. that it be recommended to the several Towns in this County that they Immediately Call a meeting for the purpose of Chusing three Delegates To send to the City of New York, to set in Provincial Con-

gress, the second Monday of July Next, according to a Handbill Just received from New York or Provincial Congress.

6thly. Voted it is the Opinion of this Body that all Persons wereing the Edition [addition to their names, or title,] of Gentlemen by former Commissions be exempted from Millitary Training.

6thly. Adjornd to 3 oClock afternoon.

3 oClock afternoon Meet according and Proceeded

7thly. Choose Capt. John Sessions County Treasurer.

8thly. Voted to Chuse a Committee & accordingly Choose Capt. James Clay Nathel Robinson Esq Elkanah Day Thos. White Capt. John Averill To Examine the Publick Accts. in the County, give Orders, &c.

9thly. Voted that Mr. Jonathan Burk be admitted as a member to set in this Body.

10thly. Took under Consideration a Complaint Exhibited by Wm. Tagart against Nathaniel Bennet Touching the sd. Bennet's abuseing sd. Tagarts wife, 20 Members being present, resolved that the sd. Bennet be Committed To Prisson, there Holden till further Orders of this Committee.

11thly. Defered the Case Between Colo. Smith, Plantif, & Mr. Gorton, Defendt. To the 21t. Day of June Inst.

12thly. Took under Consideration the Case Between Abijah Lovejoy & Atherton Chaffee. After Deliberating on the matter, Deferd. the Conclusion Till Tomorrow Morn 8 oClock, then adjornd. to 7 oClock in the Morning.

JUNE 13th.

7 oClock, meet according to adjornment, and resolved,[1]

14thly. that it be recommended to the Sub committee that they Call on their respective Collectors to pay into the Treasurer what they have Collected, that it may be Assertaind. what money Can be Obtained by the 20th of this Inst.

15th. Voted to recommend to the Capts. of the several Companys of Militia in the respective Towns in this County to as soon as possible make return of their minutemen to Mr. Lucas Willson & Ebenezer Horsington, [Hoisington,] who are appointed by the rest of their Brethren, viz., Arad Hunt, Isreal Smith, Joseph Hildreth, Lucas Willson, John Norton, Wm. Simons, Samel. Fletcher, Being Choose a Committee, & Impowered by this Body to se the minute-men Properly Imbodyed in Companys, & Lead them to a choise of Officers in the several Companys when so Formed according to the rules and orders for regulating the Milition, & to make return to this County Committee—and Likewise Choose Ebenr. Horsington, Simon Stevens Esqr.. Jonathan Burk, Isreal Burlingame, & Ebenr. Curtis, To Inspect the Uper Regiment in their proceedings as above directed.

16th. Voted that Mr. Abijah Lovejoy be Quieted in the full & free Possession of a Lot of Land in Westminster, of Late Leased to sd. Lovejoy by the Committee, according to a former resolve; and that it [be] recommended to Mr. Chaffe to Desist from Molesting sd. Lovejoy in his Possession, To Prevent further Trouble.

17th. resolved that Colo. Wells be sited to appear before the County Committee On Thursday the 20th Day of June Inst. to answer to a Complaint Lodged in the files, signd. by Nathaniel Robinson, Ruben Jones, and Leonard Spaldwin.

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[1] There is no thirteenth vote, the date "June 13th," in the margin, probably having been mistaken as the number of a vote.

18th. Voted that all Poles from 16 to 60 years old be Estimated at Ten Pounds real Estate.

19th. Adjornd. to Thursday the 20th day of June Inst., Nine O Clock Before noon, then to Meet at this Place.

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ADJOURNED MEETING AT WESTMINSTER, JUNE 20–22, 1776.

[From the *Pingry Papers*.]

WESTMINSTER, June the 20th.

The Committee met according to adjournmnt.

Present—(viz.)

| | |
|---|---|
| *Putney*—James Clay, Chairman. | *Chester*—John Chandler, Esqr. |
| *Hinsdale*—John Bridgman, Esqr. | *Kent*—Dea. Akin. |
| *Brattleboro'*—John Sergeant & Israel Smith. | *Springfield*—Simon Stevens, Esqr. |
| *Marlboro'*—Mr. [Jonathan] Warren. | *Wethersfield*—Wm. Upham. |
| *Hallifax*—Capt. Williams. | *Townshend*—Mr. Flecher [Samuel Fletcher.] |
| *Draper*—Elijah Alvord. | *Windsor*—Capt. Curtis. |
| *N. Fane*—Luke Knolton, Esq. | *Hertford*—Mr. Burk. |
| *Fulham*—Mr. [Leonard] Spaulding & Hildrick [Joseph Hildreth.] | *Hartford*— |
| | *Woodstock*—Mr. [John] Strong, Benjamin Emmons. |
| *Westminster*—John Norton. | *Pomfret*—Esq. [John Winchester] Dana. |
| *Rockingham*—Wm. Simons. | |

Voted 1st that we send Representatives to New York.

2 Voted to Chuse a Comlte of five to Inspect the Votes and to make Return to this cmt.

3ly made Choice of Mrss Isreal Smith, Esq. Denne [Dana,] Esq. Stevens, Esq. Nolton [Knowlton,] Esq. Bridgman.

4ly Voted to chuse a Committee to make a Draft of Instructions to the Delegates if chose and to make a Return to this comtee chose Mr. Hoisington, Capt. Sergant, and John Chandler, as a Come. to Make Instructions, and Lay the Same before sd. Come.

5ly Voted, to Chuse a Committee to Receive the Valuation of the Rateable Estate of Each Town and to Make a Return thereof to the Committee as is Delivered in to sd Commte.

Proceded and Chose the following Genl. Capt. Ebenezer Curtis, Mr. Isreal Gurley, Mr. Jonathan Burk, Capt. Fletcher, Capt. Wm. Williams.

6thly Voted, that the 3 Highest in Number of Votes should be the Gentlemen Choosen to Go to New York.

the Committee Chosen to inspect the Votes make return as Followith that we Find Col. Joseph Marsh, Dea. John Sessions & Simon Stevens, Esqr. Were the three highest in Vote.

Adjournd till to Morrow Morning at 7 oClock.

21 day [June] at 7 oClock Meet according to adjournment.

Col. Wells Letter Taken under Consideration choose a Committee of three to Take under Consideration the Said Letter and Make report to this Committee Namely Simon Stevens & John W. Dana Esqrs & Mr. Strong for the Said Committe.

7th Voted, to take under Consideration a Letter & Handbill Before the Committee & make Report & according chose Mr. Isreal Smith, Lieut. Spauldwin, Mr. Alvord, Luke Knowlton Esq., John Bridgman Esq., a Committe for the above sd purpose.

8th Voted, to choose a Committee & according Choose Lieut. Spaulding Capt. James Clay, Mr. Alvord, Mr. Isreal Gurley, & Elkanah Day to Treat With Colo. Saml. Wells & Examine sd Wells Touching a Complaint Exhibited to the County Committee against him the sd Wells & make report to sd Committee at their Next setting.

9th Voted to Choose a Committee & according Choose Simon Stevens, Esq., Luke Knolton Esq., Wm Simons, John W. Dana, & Isreal Gurley to Deliberate on a Complaint Ixhibited by Majr. Abijah Lovejoy against Mr. Atherton Chaffee, Both of Westminster, & Likewise on a Paper Exhibited by Atherton Chaffee to the Committee.

10thly Voted, to Deleberate on a Paper Exhibited by Esq. [Charles] Phelps.[1]

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[1] This paper was dated 21st June, 1776, being the date of the above entry on the record, which, it will be seen, does not state the decision of the Committee. It is possible that this omission was on account of the vote of the Committee, on the 7th of November following, that "the Letter Drawn by Esq. [Charles] Phelps, and signed by the Chairman of this Committee, may be by order of this Committee withdrawn from the Convention of this State [New York.] Voted to with Draw this Letter."

On this paper B. H. HALL said:

Another important topic discussed on this occasion, was that relative to the right of the New Hampshire Grants to secede from New York. Several of the members, representing a large constituency, favored a union with Massachusetts. Owing to this cause, a letter addressed to the members of the Provincial Congress [of New York, afterward styled "The Convention,"] was prepared on the 21st of June, and the representatives of the county were desired to deliver it at New York. The views advanced in this Communication were expressed in these words: "Upon the receipt of hand bills from you sent to us, purporting the expediency of instituting civil government according to the exigencies of the County, the major part of the people have agreed thereto, and have elected their delegates, and empowered them with their authority, to agree with you in forming a mode of government independent of the Crown, in the most mild, just, and equitable manner possible, for regulating their internal police, and for the preservation of the rights, liberties, and property of the people. This power is subjected, nevertheless, to those regulations, conditions, and restraints herewith transmitted you by the hands of the delegates of this county; to all which they are by their constituents in the premises, limited and restrained in such manner, that if they break over and violate those sacred instructions herewith sent you in behalf of us and our constituents, in matters of such infinite importance and delicacy, the county committee declare, in behalf of the free, patriotic people thereof, that they mean to, and do hereby resolve, to reserve to themselves the full liberty of an absolute disavowance thereof, and of every clause, article, and paragraph of such an institution.

"Also, it is hereby acceded to, and fully meant and intended by the good people of the county, that they, notwithstanding this compliance with the requisition of the said handbills above mentioned, so directed to us for the purposes aforesaid, have fully and absolutely reserved to themselves and their heirs, &c., the full liberty of pursuing their former petition in behalf of the people, prepared some years ago, and referred

11th. Adjornd. to 2 OClock afternoon.
2 OClock afternoon, meet according to ajornment.
12th. the Committee choosen for Drawing Instructions reported the following, and after being read sundry times, Voted Paragraff by Paragraff & accepted to be the Instructions for our Delegates Choosen to go to New York to set in provincial Congress.

*Instructions for the Delegates of Cumberland County.*

Gentmen: Haveing received a hand bill from the Honourable Provincial Congress, Recommending to the Inhabitants of this county to Chuse Delegates & Invest them [with] Power to Establish a form of Government, &c., We, the Committee for this County, being warmly attached to the Noble Cause of Liberty, and ardently Desirious to have the foundation of Government so laid that the Liberties of the People both civil

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to the great and General Assembly of the ancient, ever respectable, and most patriotic government of the Massachusetts Bay province, that the whole district described in the said petition, may be hereafter reunited to that province, and reserving to themselves also the right of offering their pleas, arguments, and proofs, in full, to effect a reunion thereof, to that ancient jurisdiction, for those important reasons to be adduced when, where, and before whom the parties concerned shall be admitted to offer the same."

This letter was signed by James Clay, chairman of the Committee, and was attested by the clerk. As soon as the majority of the members had assented to it, Elkanah Day, John Bridgman, and John Norton, entered their protest against the declarations and assertions which it embodied, and when, shortly after, it was carried to New York, their names appeared among the opposition.—*Eastern Vermont*, pp. 260–262.

In a biography of CHARLES PHELPS, in *Eastern Vermont*, p. 681, Mr. B. H. HALL said that "on one occasion, Mr. Phelps, with a singularity of behavior not easily to be accounted for, was engaged in a scheme to effect the annexation of Vermont to Massachusetts;" and he quoted a deposition of Phineas Freeman, that in June 1779, Mr. Phelps declared "that he did not act out of good will to the State of New York, but to throw the people of Vermont into confusion;" "that he would as soon come under the Infernal Prince as under the state of New York," with other assertions expressing utter abhorrence of New York men; and that "his ultimate design was to procure the territory of Vermont to be annexed to the Bay State." This Mr. HALL treated as an "episode in the history of his [Phelps'] attachment to New York." But the first meeting of the towns in Eastern Vermont which declared hostility to New York, April 11, 1775, appointed Mr. PHELPS one of a committee of three to prepare a remonstrance against the oppressive jurisdiction of that province. This is not inconsistent with his declaration in June 1776 that the people of Cumberland County reserved the right to unite with Massachusetts, and to apply to any tribunal which would permit them to argue that question. As a native of Massachusetts, Mr. Phelps would naturally prefer that state to any other, and the declarations sworn to by Freeman explain many things in Mr. Phelps' course which otherwise appear to be quite erratic.

and religious may forever remain sacred and Inviolate, we think it Our Indispensable duty to give you the following Instructions, and reposing the Highest Confidence in your Honour & Integrity, do rely Upon it that you will to the Utmost of your power Endeavor to Carry the same into Execution. We Trust the Honourable Congress will be Very far from passing Censure on us for being thus Jealous of our Liberties, Especialy when they Consider that in time past this County has been much imposed upon in haveing Certain Foreigners put into High places of Emolement & Honour in this County, to the Great Grief of Virtues [virtuous] and Honest men.

1t. We instruct you to use your influance to establish a Government in this Colony agreable to this maxim, (viz.,) that all Civil Power (under god) is Originaly in the People, and that you in no instance in your publick Capacity will do any thing to abridge the people of this fundamental right. We furthermore beg leave to say that in Our Opinion the representitives duly Chosen in the several Countys in this Colony, when Conveand at New York, to all intents & purposes have full Power of Legislation, & that it would greatly abridge the People of their rights should the representatives presume to make Choise of a Governor, Lieut. Governor, &c., To Act and Transact business independent of the people.

2d. That you use your best influence in Congress to adopt a Code of Laws whereby the Liberty, Property & every thing dear to the Inhabitants of this Colony & America in General shall be founded on a permanant Basis—a few of which Laws we Humbly beg leave to suggest might be made or enacted, (viz..) Laws for Establishing Religion & Litriture—that ministers of the gospel might be supported and Schools set up, which must have a Tendency to promote Virtue and Good Manners.

3d. We think it would much Conduce to the happyness of this County to have a Court of Justice as soon as may be properly organized, to take Cognizance of all Criminal actions, at the same time we desire that men of Character, integrity, Knowledge and Virtue who belong to Our Own County might sustain the offices in such an Important Department. The Ancient Tryal by Jury we have a great Veneration for; it is a Noble Barrier against Tyrany. In Order that our future Courts may be supplyed with Grand Juriors we humbly request that the Honourable Congress would adopt the following method for this County, (viz.,) that Each Town thro' the County at their Annual Meetings shall Elect their proportion of men who shall serve as Grand Jurors the Insuing Year, and that their names shall be Properly Returned in the Clerk's Office, in order that the Jury when so Choosen may inform the advocates (who shall prosecute Criminal Actions) of all misdemeanors in the County passing within their Knowledge; the pette jurors in like manner we would be glad might be Choosen Annually, and that their names being enroled may be returned in the Clerk's Office, and when so returned, may be drawn by lot for the service of the insuing year. The Gentlemen of the Law (if they should be thought necessary) we hope may be men of integrity, Learning and Abillity. In a particular manner we desire and insist on it that no Freeholder or men of Interest in a Civil Action on the first process shall be apprehended by Capias, but that they may be summond according to Ancient Usage Excepting Under Certain Circumstances when there is not a sufficiency of Estate to answer Debt and Cost; that Constables as well as sherrifs might have power to serve all processes ; that all Deeds may be recorded by the Town Clerk in Each town; that Attorneys fees and all Other Exhorbitant fees might be lowerd and reduced to the Standard of Justice. Lastly, we beg leave to suggest that in Our Opinion a frequent Change of Magistrates Tend

to prevent Corruption and keep up that Equallity of Mankind in which by nature we are all formed; therefore we humbly request we may be Indulged in this particular: we desire that Each Town in this County might nominate their Own Justices, and that they might not be appointed without such Nomination. That Justice, Religion & Virtue may prevail in this Colony, & that Pease & Tranquillity may be restored thro America is the sincear desire of the Committee of Safety for Cumberland County.

P. S. We desire that a Court of Probate might be Established in this County.

Sign[d] by order of the Committee of Safety For Cumberland County.

JAMES CLAY, *Chairman, &c.*

Westminster 20th of June, 1776.

[*To*] *Col[o]. Marsh, Simon Stevens, Esq., and Deacon Sessions.*[1]

13th. Voted to Choose a Committee & accordingly Choose Esq. Stevens, Esq. Brigman, Mr. Alvord, to Take under Consideration a Complaint Exhibited by the Widow Lovell of rockingham against One Safford, reported if s[d] Complaint be supported, it is worthy of notice & to be herd Next setting of the Committee.

14th. this vote reconsidered. the Committee for considering the Complaint of Maj[r]. Lovejoy against Atherton Chaffee Reported that Atherton Chaffee give Bonds to the Chairman of the County Committee for his future good Behavour in regard to s[d] Lovejoy, & that he do not molest him in Possessing the Lot of Land Leased to [Lovejoy] by Order of s[d] Committee Or Otherwise be Committed to Goal till further orders of this Committee.

15th. Voted to Here the Widow Lovels Complaint the 2[d] day of the Next seting.

16th. Adjorne[d] to 6 O Clock in the Morning.

JUNE 22[d].

6 O Clock in the Morning met According to Adjornment.

17th. Voted that we recommend to the Commanding officers of Each Regement in this County do meet one of Each of the Sub:Committees in the several Towns in the County at the respective Times & places following, namely, the Commanding [officer] of the Lower Regement & one Sub:Committee man of Each Town in the same regement do meet at Capt. Sergants in Brattleborough on thirsday the 27th Inst: at one oClock In the afternoon, then & there to appoint one Capt., Two Lieu[ts]., of such men as they shall think most suitable to go into the service of their Cuntry, & Let them se if they Can Inlist a Company of men to go to Canady—and the Commanden Officer of the Upper regiment, together with one Sub:Committeeman from Each Town in the same regement, do meet at Windsor, at the Townhouse, On thirsday the 26th day of this Inst. June, at one oClock in the afternoon, there to appoint One Capt. Two Lieut[s]., of such men as they shall think best for their Cuntrys service, & Let them se if they can Inlist a Company of men to go to Canady; & those Officers so appointed Make return to the Chairman of the County Committee, of the Number they Inlist, at or Before the 16th day of July next.

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[1] "Both of these productions"—the letter drawn by Charles Phelps, and the instructions—"neither of them especially remarkable for beauty of expression or grammatical accuracy, were of great weight in regulating the future conduct of the Provincial Congress with respect to Cumberland and Gloucester counties."—B. H. HALL's *Eastern Vermont*, p. 262.

18th. Voted a Committee be appointed to Rite an answer to a letter Receivd. from Mr. Tinbrook, [probably Col. Abraham Ten Broeck.] Choose Mr. Isreal Smith, Ebenr. Horsington & Capt. Sergeants a Committee aforesd.

19th. Delebirated On a Petition Exhibited by Dotr. [Reuben] Jones & Others requesting a reconfinement of sundry persons Under Bonds by the March Court afair.[1] Passed in the negative as to Confining sd persons at presont, But that sd Petition be referd to the Provinsial Congress for their advise on the Expediancy of recommitting sd persons.

20th. The Committee for Considering Colo. Wellss Letter reported as their Opinion that a Committee be Chosen to Examine Colo. Wells in regard to a Complaint that has ben Exhibited against him & to make report to this Committee at their next Convention.

21t. Voted that the Chairman of the Committee shall Make Out a Certificate & sign the same that Colo. Joseph Marsh, Deacon Sessions & Simon Stevens, Esq., were Duly Choosen as Delegates to sit in Provincial Congress for this County.

22d. Voted to Chuse a Committee & accordingly Choose Capt. Clay, Mr. Isreal Smith, Mr. Ebenr. Horsington, Mr. John Strong, Mr. Burlingame, Mr. John Norton & Maj. Tylor, to Join the Colos. of this County to Carry Into Execution the Resolves of Congress respecting raising forces, &c. (if necessary.)

23d. Voted that Nathel. Bennet be let Out of Prison at Present, his Procuring 2 Good Surerities for his appearing at Our next siting & abiding the Judgment of the Comittee, and Likewise for his Behaveing Orderly & well towards all Persons till sd time; But on his ye sd Bennets Ill Behavour his Bondsmen are to Committ him forthwith, or in Case of Greater danger of ye womans life by ye Illness Broght on her as has been proved.

24d.[2] Voted to adjorn, & accordingly adjornd to the first Tuesday of Novemr. Nine O'Clock in the Morn: Or to meet sooner if Calld For at this Place.

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## Adjourned Meeting at Westminster, July 23–26, 1776.

[From the *Pingry Papers.*]

County House, Westminster, 23d of July, 1776.

At a Special Meeting of the Members of the Committee of Safety for this County—Members Present:

*Hinsdale*—Arad Hunt.
*Brattlebo:*—Isreal Smith.
*Gilford*—Esq. Nichols.
*Halifax*—
*Marlboro:*—
*N. Fain*—Luke Knolton, Esq.
*Townsend*—
*Fullom*—Lieut. Spaldwin, Joseph Hildreth.
*Putney*—James Clay, Lucas Wilson.
*Draper*—Mr. Olverd, [Alvord.]
*Westminstr:*—Elkanah Day, John Norton.
*Rockingham*—Ebenr. Fuller.
*Chester*—John Chandler.
*Kent*—Capt. Edward Aikin.
*Springfield*—Jerathmel Powers.[3]
*Windsor*—Ebenr. Horsington.
*Hartford*—Thos. Hazen.
*Pomefret*—
*Wethersfield*—
*Woodstock*—
*Hertford*—Jonathan Burk.

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[1] The "Westminster Massacre" of March 13, 1775.

[2] First written 22d and altered to 24.

[3] Hon. James H. Phelps is of opinion that Mr. Powers wrote the given name "Jerathniel."

The Members of Fourteen [fifteen] Towns Being Present, Formed into a body, then Proceeded On Business.

1t. Voted that the Prisoners Now Confined at the County-house, if found guilty of the Crime or Crimes for which they are Confined, are to be Treeted and Delt with as Enimies to ye Cause & Liberties of the States of America.

2dly. Voted that a suitable gard be set Over the Powder Now Deposited in the Jail room in the County-house.

3dly. Choose Ebenr Horsington, Isreal Smith, John Norton, a Committee to Receive the Return of the Millitia & Alarm men in Order for the Distributing the Powder receivd for this County, & Likewise to Report the Number of Effective men in the several Towns to proportion the powder.

4thly. Voted, to send a Sitation to Colo. Thos. Chandler, Requesting him to appear the 24th of this Instant, and Bring all papers that will give any light Conserning the Excise or Licence money.

5th. Voted, that by Consent of Both parties continued Targats [Taggart's] & Bennets affair to the First Tuesday of November Next.

6thly. Voted, that in Consequence of a Complaint Exhibited by John Chandler Esq., against John Grout of Chester, sent a recommendation to the Sub-Committee of sd Chester, to call said Grout to an account Touching sd Complaint & to make Report to this Body.

7th. Adjornd to six OClock tomorrow Morning.

JULY 24th.

Six OClock met according to adjornment & Proceeded.

& 8thly. Voted to Reconsider the sd Resolve respecting the guard Over the Powder & Resolved that a guard of 1 Sergant & 4 private be Keept by night & a Sergant and 2 privatt by day, to guard as reccomended as above.

9thly. Voted, that Landd. [landlord] Nichols provide sd Guard with Necessary Victleing & half a pint of rum to Each man once in 24 hours.

Likewise Voted, their Wages of sd guard be 3 shillings pr. day & 2 shillings pr. Night.

10thly. Voted, to Take under Consideration the Complaint of Abigail Fuller of Rockingham, against Gardner Simonds of sd Rockingham viz., the Complaint of Abigail Fuller of Rockingham, in the County of Cumberland & province of New York, single woman, against Garduer Simonds of sd Rockingham yeoman shueth that the sd Gardner Simonds had Carnal Knowledge of your Complainants Body on or [near] the middle of February last several times, & has & Did there & then get yr complainant With Child with a Bastard Child, & that he the sd Gardner is the only father of sd Bastard Child these are therefore to Desire you to Cause ye sd Gardner Simons to Come before you that he may find surities for the maintenance of sd Bastard Child.

Signd. ABIGAIL FULLER.

the sd Parties Being present & the sd Abigail Fuller, the above Complainant, after Being suitably Interegated by the sd Gardner Simons & Cautioned by this Body made solomn Oath that the above sd Gardner Simons is Absolutely the father of a Bastard Child, which she is now pregnant with,

Therefore Resolved that the sd Gardner Simons, Give Bonds of Fifty Pounds and Find two sufficient surities of Twenty-five pounds Each to answer at a Future Tryal the Complaint of the sd Abigail Fuller as above Recorded or be Committed to Prison,—the above surities to be Holden and answer in Nine months.

10thly. Voted to Chuse a Committee & accordingly Choose Esq. Nichols, Esq. Konlten & Esq. Bridgman to Draft something as Instructions to a Com-

mittee Choose the 12th Day of June last past to Examine Publick Accts give Orders &c.,

11th. Adjornd to 2 oClock Afternoon.

2 OClock afternoon met according to adjornment and proceeded to Buisiness.

12th. Voted to Superceed the Order past yesterday recommending to the Sub-Committee of Chester, to Call Mr. John Grout Touching a complaint Exhibited by John Chandler Esqr. also resolved that the Order for seizing sd Grouts papers be Null & Void & that no seizure of sd papers be made.

13th Resolved that Mr. John Grout answer to the Complaint Exhibited by John Chandler Esq. as above mentiond at the Next Setting of the Committee Viz., the first Tuesday of November Next & that the Complainant serve Mr. Grout with a Bill of Particulars within fifteen Days after notice of this Order.

14th. the Committee Choose to assertain the Number of Effective men in this County, in Order to Distribute the Powder, Reported that the proportion of powder for the South Regement is Eleven Hundred & Ninety Weight, & to the Upper Regement the proportion is Six Hundred & Ten pounds.

15th. Proceeded to the Tryal of Phinehas Farbank, being sent to the Goal at Westminster for Counterfeiting, or altering some Bill or Bills Emyed by the Colonies, by the Committee of Safety of Brattleborough ; & after hereing the Evidence under Oath, Delibirated on the matter, [and] found sd Fairbank not Guilty of sd crime.

16th. Adjornd to 6 O Clock tomorrow Morning.

JULY 25th.

6 o clock, met according to adjornment.

17th. the Committee Choosen to Draft Something as Instructions to a Committee Choosen ye 12th of June last, to Examine Publick Accts, &c., Reported as their Opinion that all Persons Employd by the County Committee be paid by the County, & no Other, & in perticular the Chairman Ought to be allowd for his Extreordinary Expenses in Calling the County Committee on Extreordinary Occasions together, or any other Extreordinary service, and likewise all Sub:Committees, or any Other persons that are Appointed by the County Committee to Do Business for the County—the Same passed into a Vote.

JULY 24th.

Then Personally appeared before this Committee Gardiner Simons as Principal, and acknowledged himself to be indebted to this County Committee in the Sum of fifty Pounds—and Colburn Preston and William Sterns, as Sureties, in the Sum of twenty-five pounds each in Manner following (viz.) :—the Condition of the above Obligation is Such that if the abovesd Gardiner Simons shall be ready to answer a Complaint exhibited Against him by Abigail Fuller for being the father of a Bastard Child, by which she (on Oath) has declared he is the father, &c., at the Expiration of Nine Months from the Date hereof—then this Obligation is void, otherwise of force.

Test, JAMES CLAY, *Chairman.*

25th of July Took under Consideration the Case & Complaint of the Widdow Hannah Lovell against Lieut. Philip Safford, Both of Rockingham, Whereby the sd Widdow Lovell Complains against the sd Safford, for Unjustly and by Force Taken Possession of a lot of land being the property of & in the peasable possession of her the sd Widdow.

Voted that the above sd Phillip Safford be removed from the lot which he the sd Safford has by force & arms Taken possession of from the sd

Widow Hannah Lovell and that the s[d] Hannah be put Immediately into Possession of s[d] Lot of Land.

18[th]. that Lieut. Spaldwin make suitable Confession to this Committee for his Conduct in Taking Col[o]. Wells by Millitary force, that mode of proceeding Being Contrary to the minds of this Committee and also a Violation of one Certain Resolve formerly passed by this Committee. M[r]. Spaldwin Comply[d] with the above Vote by his making proper Confessions &c.[1]

19[th]. Adjorn[d] to 2 OClock afternoon.

2 O'Clock afternoon met according to adjornment.

20[th]. Voted that Col[o]. Sam[el] Wells Come before this Body & Be Examined Touching a Complaint Exhibited to the County Committee against him the s[d] Wells.

21[t]. Voted, that the Case of Benjamin Gorton be Refer[d] Up to the first Tuesday of Novm[r] Next, Finding 2 good Surities of fifty pound Each together with giveing his own Bond for one hundred pounds for his apereance at that time.

22[d]. Voted, to Chuse a Committee & according Choose John Bridgman Esq. M[r]. Olverd & Mr Arad Hunt to Wait on Col[o]. Wells & inquire into & se What County Monies may be in his hands & Report to this Committee.

23[d]. Voted, that Col[o]. Wells be Directed to settle with Capt. Benjamin Burt, former County Treasurer, as soon as may be.

24[th]. Voted, that the Powder Which is sent to this County by the Provincial Congress of New-York, be delt Out to the several Towns Committees according To the Number of the Inhabitants in the several Towns, and that the persons Receiving the same give a Receipt to the Chairman of the County Committee for the Quantity they receive, & that the same be kept as a Town Stock, not to be Delt out without some Extreordinary Occation; & if it is Delt Out, & not Used, that Every man return the same to the Town Stock again.

JULY 25[th].

25[th]. Proceeded to the Tryal of Edward Smith, being Committed to Goal for Counterfiting sertain Bill or Bills of Credit Emitted by the Colonies, & after hearing the Evidences, they being duely sworne, & Deliberating on the Case, do agree & Resolve that s[d] Smith by name, together with the Circumstances of the Case, be put into the public Gazatte, sign[d] by y[e] Chairman, & that he, s[d] Edward Smith, pay the Costs & Charge before he depart from the Goal. Bill of Cost Filed amounting to £10 4, & Paid up. Adjorn[d] to tomorrow Morning, 6 O Clock.

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[1] To this vote B. H. HALL added the following:

In the *New York Gazette* of June 23d 1777, it is stated that "Judge Wells of Brattleborough had been lately confined to his farm and otherwise ill-treated," and it is known that, for a long time, permission was granted to any one to shoot him should he be found beyond the bounds of his acres.

Although this was published a year at least after Spalding arrested Col. Wells, it is broad enough in its terms to cover that event. Wells was an avowed Royalist and a member of the Colonial Assembly of New York from Jan. 1773 to the end of that body, April 3 1775. His family was rewarded by the British government for his services. - See *Eastern Vermont*, pp. 718–725. Spalding was a sturdy Whig, once arrested for treason to British authority, and an early friend of Vermont's Independence.—See *Eastern Vermont*, p. 262, and *Vt. Historical Collections*, vol. 1.

JULY 26th.

Six O Clock in the morning, met according to adjornment.

26th. Voted, that in Consequence of Divors Complaints of John Grout, it is Recommended that if the sd Grout shall be accused Between this time and the next setting of this Committee, that he be not brought before or Tryed by the Committees of Rockingham or Chester, or Either of them, But Before the sub:committee of some Other Neighbouring Town.

27th. Resolved, that any person knowing of any Criminal Correspondence keept up between any person or persons in this County and the King's Officers in the army at Canady, on giveing notice thereof, shall Receive the Utmost Protection from this Committee.

28th. Voted to Hear Mr. John Grouts Complaint against Thos. Chandler Jur. Esq., & Directed him the sd Chandler to appear Before this Committee the first Tuesday of Novemr. Next & Strictly Injoyned him to be of the good Behavour towards the sd Grout & his family in the mean Time.[1]

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## Meeting of the Committees of Cumberland and Gloucester Counties at Windsor, August 6, 1776.

[From the *Pingry Papers.*]

AUGUST 6th, 1776.

The Committee of the County of Cumberland In Conjunction with the Committee for the County of Glouster, meet at Windsor Townhouse in Order to appoint Officers, such as Capts. Lieuts. &c., for a Ranging Department granted by the Provincial Congress at N : York, viz: 252 Out of the Counties of Cumberland & Glouster, to the Command of Which they have Appointed & Commissiond Mr. Joab Hosington [Hoisington] Major.

Following Members Being Present, Formed into a body & Proceeded to Buisness:

| | | |
|---|---|---|
| Capt. James Clay, | Isreal Burllingame, | Mr. Tylden,[2] |
| Elkanah Day, | Capt. Curtis, | Lieut. Strong, |
| Ebenr. Fuller, | Ebenr. Hosington, | Benja. Emmons, |
| Jona. Burk, | Mr. Upham, | Lieut. Powers. |
| | Colo. Kent,[3] | |

Choose Capt. Clay, Chirman, and Dr. Elkanah Day, Clerk.

1t. Agreed to appoint 3 Capts. and 4 Lieuts. in the County of Cumberland, and one Capt. & 4 Lieuts. in the County of Glouster.

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[1] Judge PINGRY suggests that four pages [a sheet] or more following this entry are lost. The fact that no adjournment to a future day is entered, if unexplained, would countenance this supposition: but the meeting of July 23–6, 1776, was a *special* one, as was also that of August 6th, and neither adjourned to a future time. The meeting of June 21–22 adjourned to the first Tuesday of November, when the Committee met pursuant to that adjournment. The editor believes for that reason that no part of the record has been lost, and for still another, to wit: the records of July 23–26, and of August 6, and the beginning of the record of Nov. 5–8, *are upon one and the same sheet.*

[2] Stephen Tilden of Hartford.

[3] Col. Jacob Kent of Newbury.

2d. Proceeded to Chuse the Officers for Cumberland County. 1st. Appointed Benjamin Wait of Windsor ye 1t. Capt. in the above Department. Elisha Hawley 1t. & Zebelon Lyon [2d] his Lieuts. [All commissioned by New York.]

3dly. Appointed Majr. Joel Marsh, Capt. in sd Department. [Not commissioned, and probably declined.—See 5thly.]

4ly. Appointed Capt. Saml. Fletcher [of] Townsend a Capt., Benj. Whitney [of] Westminster. 1t. Lieut. [Abner Seelye commissioned instead of Mr. Fletcher; Whitney was commissioned.]

5thly. Voted to Chuse a Committee, & accordingly Choose Thomas Hazen, Stephen Tylden, Lieut. Strong, J. Winchester Deny [Dana,] to Join the Committee of Glouster County to appoint their proportion of Officers for the above Arangement, Viz. 1 Capt. & 4 Lieuts., & to meet at Abner Chamberlains in Thetford Next Tuesday at 10 OClock Beforenoon & to appoint a Capt. In sted of Majr. Marsh in Case he refuse —also appointed Colo. Kent to mannage sd meeting & make proper return to New York, signd by the Charman.

6thly. Voted that the sub-committees of the several Towns in this County to se the Association Containd in the Late Handbill from N. York is Universally subscribed to & the Refusers to sign Proceeded with According to sd Handbill.[1]

[1] B. H. Hall has stated that much dissatisfaction prevailed as to the manner in which this meeting was conducted. Only twelve members of the Cumberland County Committee of Safety were present, with one from Gloucester county. The chairman was unwilling to proceed, but was overborne by Major Hoisington, who insisted that a quorum was not necessary for the business of nominating officers. Perhaps the changes ultimately made were occasioned by this dissatisfaction. The meeting was held at Thetford to name the officers for Gloucester county, the full list was read in the Provincial Convention on the 26th of September, and the officers commissioned were sworn on the 10th of October. The number of Rangers authorized to be raised on the 23d of July was two hundred and fifty, divided into four companies, the whole to be under the command of Maj. Joab Hoisington. The company officers from both counties ultimately commissioned were the following:

| *Captains.* | *First Lieutenants.* | *Second Lieutenants.* |
|---|---|---|
| Benjamin Wait, | Elisha Hawley, | Zebulon Lyon, |
| John Strong, | Eldad Benton, | John Barnes, |
| Joseph Hatch, | Simon Stevens, | Amos Chamberlain, |
| Abner Seelye, | Benjamin Whitney, | Jehial Robbins. |

Capt. Seeley resigned Dec. 22 1776, having been named Captain in Warner's regiment by the resolution of the Continental Congress of July 5 1776. He was afterward commissioned by Vermont.—See B. H. Hall's *Eastern Vermont*, pp. 265-8, 772.

## Meeting of Cumberland County Committee at Westminster, Nov. 5–9, 1776.

[From the *Pingry Papers*.]

Tuesday, 5th Novemr. 1776.

The County Committee Met according to Adjornment. A Number but not a Sufficient Coram to Proceed to Buisness the Members Present Concluded to adjourn to tomorrow morning Nine O Clock, at the County House.

Novemr. 6th.

Meet according to adjornt. Members Present -

*Putney*— { Capt. James Clay, Lucas Willson.
*Rockingham*—Willm Simons.
*Chester*— { John Chandler, Capt. George Earl.
*Hallefax*—Pelatiah Fitch.
*Newfain*—Luke Knolton, Esq.
*Winsor*—Ebenr. Hoisington.
*Woodstock*—Benja. Emmons.
*Wilmington* [or] *Draper*— } Saml. King.
*Townsend*—Capt. Fletcher.
*Westminster*— { Lt. Norton, Dr. Day.
*Hindsdale*—John Bridgman, Esq.
*Gillford*—Esq. Nichols.
*Fullom*—Lieut. Spaldwin.
*Brattleo.*—Capt. Sergants.
*Springfield*—Simon Stevens, Esq.
*Kent*—Capt. Akin.

Formed into a Body & Proceeded to Business.

1t. Voted that [the] Case of Wm. Tagart against Nathel. Bennet Be Continued up to the Next Sitting of the County Committee.

2d. Adjornd to 3 O Clock afternoon, then to meet at this place.

3 OClock afternoon, meet according to ajornment.

3dly. Voted to sight Jonathan Fuller to appear forthwith Before the County Committee to answer to Ichebod Ide, Jur.

4th. Adjornd to tomorrow morning seven oclock.

Novemr 7th.

7 o Clock in ye morning, met according to adjornment.

In Consequence of a Petition from Alexander Kathan of Fullam, against Ebenezer Haven, seting forth that said Haven has Deprivd said Kathan of a certain run of Watter. Voted, that it be recomended to the Committee of Fulham to remove Said Nusance, that the Water may run in its Naturall Course ; & we also Desire that you would See to it That all Such [Disputes] be Setled in your Town H[ereafter, and] that no Person be Deprivd of that Which God & Nature [have given] by no Means Whatsoever.[1]

Voted, that whenever there is any thing that is Perferred [to] this Committe that has a Tendency to Disquiet and Perplex the good people of this County and this Committe whereby we are Detained & hindred of Carriing on business that whoever of said parties shall fall in the Rear Damages Shall be awarded and on failure of Immediate payment or Sufficient Sureties shall be Committed till payment is made.

Voted, by this Committe that the Committe of Safety for the Town of Westminster Immediately take Solomon Phelps and Convey him to ye

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[1] Portions of two leaves are gone, and the missing words are supplied by Conjecture.

Com^ee of the Next Town and so on till he is Conveyed as was the Practice in times Past till he is Conveyed to his own home.[1]

Voted, Gen^l. it is our minds to move that the Letter Drawn by Esq. [Charles] Phelps and signed by the Chairman of this Committe may be by order of this Committe withdrawn from the Convention of this State [New York.]

Voted to with Draw this Letter.[2]

This Meeting was adjourned till 2 ° Clock in the afternoon of this Day.

We, the Subscribers, Being Members of the Committee of Safety for the County of Cumberland, think our selves Bound in the Strongest Obligations to stand For the Pease & Good Order of this County, Under the Directions of Hon^bl the Continental Congress, & we Whose names are hereunto subscribed are of Opinion that the Major part of the s^d Com-

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[1] Solomon Phelps was the first son of Charles Phelps. In reference to this vote B. H. Hall said: "Complaint was made, and the fact was proved, that Solomon Phelps of Marlborough had made himself obnoxious to those engaged in administering the affairs of the county;" this probably meaning that he had interfered improperly and to the vexation of the Committee after he had ceased to be a member of it. Mr. Phelps was a Whig, but unfortunately he was occasionally insane.—*Eastern Vermont*, pp. 277, 691.

[2] The letter of the 21st of June was very distasteful to the New York Convention. That body had authorized the raising of a force of two hundred and fifty Rangers, and on the 24th of July 1776 commissioned Joab Hoisington as major commanding. When the question of furnishing money and military supplies came up, opposition was made on the ground that the fidelity of the county to New York was doubtful. The matter was settled by voting money for the wages and rations of the Rangers, but entrusting it to a Committee, whose duties were to see that it was faithfully applied and to consult with the general Committees of Cumberland and Gloucester. This Committee was instructed "to inquire into the temper of the inhabitants of said [Cumberland] County, and the grounds of any discontent which may prevail among the uninformed, or which may be encouraged by designing men, and use their endeavours to remove the same, and to frustrate any attempt to sow the seeds of jealousy and disaffection. And, lastly, that they represent to the committee of the said county of Cumberland, the wisdom and propriety of a revision of the said letter, [of June 21,] and of an unreserved submission of the said county to the jurisdiction of this state, [New York,] so that all causes of distrust may subside, and the harmony which is so essential at this important conjuncture, may be fixed on the surest foundation."—*Eastern Vermont*, 263-274. When the Cumberland County Committee met, in November, its members were embarrassed by danger apprehended from the British forces under Gen. Carleton, then on Lake Champlain. The support of the Rangers was greatly needed, and it was therefore important to retain the aid of New York. These considerations undoubtedly influenced the majority to withdraw the letter of the 21st of June.

mittee act Repugnant to the resolves of the Hon^bl Continental Congress : therefore, we Whose names are Hereunto Ennexed, Enter Our Disent from s^d Committee of Safety, and Our Protest against the further Proceedings of this Committee as Committee of Safety for the County.

Westminster, 7^th Novem^r. 1776.

John Chandler,
Wm. Simons,
Leonard Spalding,
Joseph Hildreth,
George Earll,
Eben^r. Hoisington,
Sam^el Fletcher.[1]

We whose Names are to this annex^d. moove that y^e Protest above Written may be withdrawn, & we to Join again as members.

John Chandler,
Eben^r. Hoisington,
Wm. Simons,
Joseph Hildreth,
George Earll,
Leonard Spalding,
Sam^l. Fletcher.

Adjorn^d to 7 o clock Tomorrow Morning.

NOVEM^R. 8^th.

7 o clock in the Morning meet according to adjorn^t.

Voted to Chuse a Committee, & according Choose John Bridgman, Esq^r., Eben^r. Hoisington, D^r. Fitch, John Chandler, Esq., & Esq. Knolton To Deliberate on Withdrawing a Peise Sent to the Provincial Congress of Esq. [Charles] Phelps^s Draft Touching being Laid to Massachusetts Bay or some Other State, & to frame something to send in its sted and to make Report.

Took under Consideration the Case of Benjamin Gorton Being Bound Up to this Time & setting of the County Committee—and find no Evidence or any Person to Accuse him the s^d Gorton, therefore Discharge him by Giveing Up his Bond.

Adjorn^d. to Two O C^lock afternoon.

2 O Clock afternoon & Meet according to Adjornment.

Took under Consideration the Complaint of M^r. John Grout against Maj^r. Tho^s. Chandler, [Jr.,] 13 Members Being Duly sworne, & after

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[1] All doubtless deemed it important to preserve the rights reserved in the letter of June 21, but a majority of them esteemed it to be so in view specially of the independence of Vermont. Mr. Fletcher was a member of the Dorset Convention of July 24, 1776, and of the Westminster Conventions of Oct. 30, 1776, and Jan. 15, 1777; Messrs. Hoisington, Hildreth, and Spalding were members of the Dorset Convention of Sept. 25, and the Westminster Convention of Oct. 30, 1776; Mr. Hoisington was a member also of the Westminster Convention of Jan. 15, and the Windsor Convention of June 4, 1777; and Mr. Spalding was also a member of the Convention last named. It will be observed that the compromise agreed to on the same day, on which these gentlemen resumed their seats in the Committee, reserved the right of appeal from New York to the Continental Congress. This confirms a report, which one of the committee of the New York Convention made a few days before, (Nov. 3,) that was on the whole unfavorable to the jurisdiction of New York.—*Eastern Vermont*, p. 276.

Meturely Deliberating on the Case Resolve that Mr. Thos. Chandler, Jur. pay to the sd. John Grout the sum of six Pence York Currency, & pay the Cost Equally Between them, & that the Parties be Repremanded by the Chairman In Presents of the Whole Board.

adjornd. to tomorrow Morning 7 o Clock.

NOVEMR. 9th.

7 oClock in ye morning Meet According to Ajornment.

The Committee appointed by this Body to Take under [Consideration the] Expediency of the Letter sent from this Body Da[ted 21t June last] Touching Being Laid to some Other state, &c. &c. Re[port] That whereas the Committee of the County of Cumberland [have received] a Handbill from the Convention of the state of New York [directing this Com]mittee to Withdraw a Letter which was sent to them from this [body, bearing] Date 21t. of June Last; we the Committee as afore sd. Having Taken [the same under] Consideration, Report, that sd. Letter Ought to be withdrawn, [but that we not]withstanding Ought to Enjoy all the priviledges that any County [in this State] Enjoy, & that we hold it Our Right to Present to the Honourle the [Provincial Congress] of this state a Petition & Remonstrance seting forth those Grieva[nces that are the] Cause of the Uneasiness that subsists among us, for their wise [Consideration] & redress, & if on proper Delibiration it may be thought proper a [separation] should be most Condusive to the peace & Happiness of this County, we Do not [preclude] Ourselves from the Priviledge of Presenting Our Petition to the Honle the Continental Congress for their wise Determination we still mean to pay all Due Defference to the state of New York and pay our proportion of the Necessary Charges of the State.[1]

Voted to Accept the above Report & that a Coppy be sent to the Honle Convention for the state of New York, signd. By the Chairman of this Committee & attested By the Clerk.

Voted to Adjorn, and accordingly Adjornd. to the First Tuesday of June Next, Nine O Clock Before noon, then to Meet at this Place, & not Sooner Except on an Emergent Call.

From this period the influence of the controversy with New York upon Cumberland county is visible. A town meeting in Brattleborough, held on the 22d of April, 1777, declared that, as they had always owed allegiance to New York, so they would continue to pay that allegiance, and would strictly adhere to such directions as might be sent from the Convention of that state; and Israel Smith was sent to the New York Convention with instructions to report that a majority of the property holders of the county were of like opinion, although the spirit of faction was so rife that it was dangerous to speak against the new state of Vermont.[2] May 5, 1777, the New York Convention instructed the several towns to elect "active, spirited and discreet subjects of this State, as they shall deem proper for members of the several Committees [of Safety] within their respective counties;"[3] but at the election in Windsor, on

[1] Part of the record of this report is torn off, and the lost words are supplied in brackets, nearly as in B. H. Hall's *Eastern Vermont*, p. 278.

[2] B. H. Hall's *Eastern Vermont*, pp. 291–2.

[3] Printed hand-bill among the *Pingry Papers*.

the 20th of the same month, it was voted by a great majority *not* "to act according to orders from the State of New York." The fact that other towns failed to elect members of the county Committee is doubtless chargeable to like hostility to New York.

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The following documents show that New York felt the impending danger in Vermont, where an independent government was then about to be set up by the adoption of a constitution in the following July.

## INSTRUCTIONS TO COUNTY AND SUB-COMMITTEES.

[From the *Pingry Papers.*]

In CONVENTION of the REPRESENTATIVES of the STATE OF NEW YORK,
Kingston, April 21, 1777.

Resolved that it be and it hereby is Recommended to all County and Sub Committees in this State to use their utmost endeavours to apprehend Secure and otherwise according to their discretion to dispose of all such parsons [persons] as they shall conceive to be inimical or dangerous to this State untill the further orders from this Convention or futer Legislature of this State allowing the parties to be hereby affected the right of appeal from any Sub Committee to the General Committee.

Extracts from the minuts, ROBT. BENSON, *Sec'y.*[1]

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In CONVENTION of the REPRESENTATIVES of the STATE OF NEW YORK,
at Kingston, May 5, 1777.

WHEREAS it hath been found by experience, that the several Committees within this State, have greatly contributed to the public security and defence, by expediting the measures necessary for the general weal; and whereas it will be necessary that the salutary influence of such Committees should be continued until the government of this State shall be firmly settled, and obtain its full energy and vigour:

THEREFORE RESOLVED, That it be recommended to the inhabitants of this State, to choose such active, spirited and discreet subjects of this State, as they shall deem proper for members of the several Committees, within their respective counties, and to continue as member of such Committees until the first day of October next; and although the office of a member of any of the said Committees is extremely painful and laborious, yet as the service will probably expire before the said day, it is most earnestly recommended to the good subjects of this State cheerfully to undertake, and vigilantly to execute the said office; more especially as the last hope of our dispirited foes is now grounded upon those intestine divisions which they so assiduously labour to promote, by the assistance of which they expect to accumulate greater evils upon a country which they cannot subdue, and without which all their diabolical designs must prove utterly abortive.

By order, ABRAHAM TEN BROECK, *Pres.*

Attest, ROBERT BENSON, *Sec'ry.*[2]

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[1] This is a copy from Secretary Benson's copy, with errors chargeable to the person who made the copy.

[2] This is from a perfectly preserved printed copy, bearing on the back of the sheet what seems to be the autograph of "Simon Stevens, Springfield."

In Convention of the Representatives of the State of New York

Kingston, May 5th, 1777.

Resolved that the Committees of the County of Albany,[1] Tryon, Charlotte,[1] Cumberland,[1] Glossencester, [Gloucester,[1]] Ulster and Orange be requested and empowered to take the most effectual measures to Prevent Surpress and quell all insurrections, revolts and disaffections within their respective Counties, that they be impowered to call out the malitia of their respective Counties, and that they Cause all such traitorous Inhabitance of this State as Shall be found in Alms [arms] against the authority of the Same, to be Destroyed or otherwise Effetuely Secured and that this Convention will Defray the Expence of Effecting the above Resolve.

Extract from the minutes, Robt. Benson, *Secr'y.*[2]

[May 10, 1777.] Whereas it hath Ben Sugested [to] this Convention that the County Commite of the County of Comberland Cannot be Collected together but with grait Dificulty—Resolved that Such of the members of the Said County Commite as on Duely Regular notice for the Convening of the said Commite shall meat Be authorized to Proseed to Buiseness.

Extract from the minits, Robert Benson, *Sec'y.*[2]

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In Council of Safety for the State of New York,

Kingston, May 19th 1777.

Resolved that the Sherifs of the several Counties in this state who are not already qualified for executing their offices do qualify themselves without Delay: and that they and all other Sherifs already qualified do as soon as possible respectively give public notice in their respective Counties for the Elections of Governor Lieutenant Governor and members of Assembly; and also for the Election of Senators for the respective great Districts within this State; to the End that the Electors may have the longest possible notice before the Election to be had for each District and in each County respectively: And that the said Sherifs respectively proceed to such Elections without waiting for any further Warrant or Authority so that the returns thereof may be duly made to this Council of Safety at the time and in the manner prescribed by an Ordinance

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[1] These New York counties embraced the whole of Vermont—the western half in name only, being reckoned in revolt within the meaning of this resolution. Jan. 1, 1777, referring to an order of Washington to Gen. Gates to march the troops under his command to the banks of Delaware river, the New York State Committee of Safety wrote to him thus:

"On this occasion we beg leave to lay before your Excellency the true situation of this state. It formerly consisted of fourteen counties, of which five, and a part of the sixth, are in possession of the enemy, and a considerable part of the inhabitants of Gloucester, Cumberland, and Charlotte, appear determined to shake off their dependence upon us, so that above one half is lost; of the remainder, a considerable proportion is disaffected, and ready upon a favorable opportunity to join the enemy." —*Eastern Vermont*, 281, 282.

[2] Both of these are manuscript copies, the one of May 10th apparently by Simon Stevens. The errors in orthography, &c., are doubtless chargeable to those who made the copies.

of the Convention of this State for Organizing & Establishing the Government agreed to by the said Convention made and published the Eight day of May instant.

A true Copy from the Minutes,

JOHN MCKESSON, *Secry.*

*To the Sherif of Cumberland County.—Copy.*[1]

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MEETING OF COUNTY COMMITTEE AT WESTMINSTER, JUNE 4 AND 5, 1777.

[From the *Pingry Papers.*]

| Towns names. | Mens names. |
|---|---|
| *Westminster*— | Mr. Michael Gilson. |
| *Putney*— | James Clay, Lucies [Lucas] Wilson. |
| *Brattleborough*— | Obadiah Wells, John Sergents. |
| *Hindsdale*— [*Vernon*,] | Eleazer Paterson, Amos Tute. |
| *Hartford*— | Mr. Hazen. |
| *Springfield*— | Simon Steavens, Jerahel Powars. |
| *Kent*— | James McCornick, [McCormick.] |
| *Pomphret*— | John Danee, [John Winchester Dana.] |
| *Wethersfield*— | Maj. [Hilkiah] Grout.[2] |

WESTMINSTER June ye 4 1777.

The above Gent. Being Chosen and Returned to serve as a County Committee of Safety for the County of Cumberland being meet and formed into a body at the County house in Westminster on the Day above said did proceed to act on the following articles—

Firstly—Choose Capt. James Clay, Chairman.

Secondly—Choose Simon Stevens, Clerk.

Adjournd Untill two o Clock P. M.

TWO OCLOCK.

Meet according to adjournment.

& petion [petition] of Abigail Evens Recd.

This entry is made in one copy of the minutes and not in the other; but the petition itself is with the minutes, and probably it was presented to the Committee. It was as follows:

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[1] This was probably addressed to Paul Spooner, who was chosen sheriff by the New York Convention on the 5th of May 1777. He declined the office, but the New York authorities seem to have had no notice of the declination until the 15th of July—a few days after Doct. Spooner had been appointed one of the Council of Safety for the State of Vermont. Like orders for Gloucester county were sent to Gen. Jacob Bayley, who on the 14th of June wrote to the New York Committee that he had received the ordinance of that committee, that the sheriff had ordered the towns to proceed to the elections, but that it was not probable the people would choose any members to sit in the Legislature of New York—and they did not.—*Eastern Vermont*, 299. Gen. Bayley, too, became a member of the Vermont Council of Safety ere a month from the date of his letter had elapsed.

[2] There are two copies of the minutes of this meeting, one of which does not contain Mr. Grout's name.

To the Honorable Committee Now Setting at Westminster.

The petition of Abajall Evens to your Honors Humbly Sheweth that your petitioner was Taken by the Commitee of Brattleborough and confin[d] in gaol on Suspicion of my being gulty of Some Creminal act or action against the States of America &c——

and as the Law of this State is Such that when any person found guilty of any Suspetted Crime by the Commitee of any Town in this State the County Committee are To Try them and Either Clear or Condemn——

and as your Petitioner is Susspicoss that this Commitee is at a Loss wheather to Try me or not——

these are therefore to Desire you to go on to Tryal that if any thing be found against me I may Rec[d] [receive] my punishment and if Inosent that I may go home to my poor Children, as you must be Sencible it must be hard for a poor Woman to be in Confinement from her family that is Inossent——

as your petitioner is in Duty bound Shall Ever pray

ABEJALL EVANS.

June 3[d] 1777 Westminster.

*To the Chareman of the Commitee of County of Cumberland in province of New York.*

Adjourn[d] till tomorrow Nine o'Clock.

JUNE y[e] 5.

3[ly]. Voted not to go upon the Publick Bisness of the County untill a fuller Number of the Committee [is present.]

4[ly]. Voted to adjourn this Committee untill the Seaventeenth Day of this Instant June at nine oClock Before noon, then to meet at this place.

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ADJOURNED MEETING AT WESTMINSTER, JUNE 17 AND 18, 1777.

Westminster June the seaventeenth the Committee meet according to adjournment.

Members Present—

Putney—Cap[t]. James Clay, Chairman; Luicas Wilson.
Westminster—Michael Gilson.
Brattleboroug—Obidiah Wells.
Springfield—Simon Stevens.
Weathersfield—Hilkiah Grout.
Hensdale—Elezer Paterson.[1]

Adjourn[d] [until] tomorrow nine o Clock: and then meat according to adjornment.

[June] 18. Voted, to Adjorn this Committee to the Twenty Six Day of this Instant, to Meet at Ten of the Clock in the fournoon on said Day, at the house of Cap[t]. John Sargents in Brattleborough.[2]

BRATTELBOROUGH June y[e] 26: 1777.

Meet according to aJornment, at Time and Place of the Ajornment.

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[1] Mr. Patterson's name is omitted in one of the two copies, and probably he was not present. The subsequent "Representation" is, that only five towns were represented on the 17th.

[2] On another sheet, apparently the original minutes, is this entry: "The house when met thot not fit to go on upon Buisness But ajoyrne[d] to Brattleborough," &c.

Members Present—

Putney—James Clay and Lucias Wilson.
Westminster—Mr· Michael Gilson.
Bratelborough— { Mr· Obadiah Well, [Wells,] / Capt· John Sargent.
New Fane—Luke Knolton, Esqr·
Weathersfield—Hilkiah Grout.
Hensdel, [Vernon,]—Col: Eleazer Paterson and Mr· Amos Tute.

first—Voted and Chose Hilkiah Grout Clerk pro Tempore.

2. Voted, To make a True Representation of the Broken State of the Inhabitance of the County of Cumberland, and Assign Some Reasons why the County Committee, Did not Proceed agreable To the Resolves of the Convention of the State of New York, in Respect to their Choosing Governor and Deligates to Send to Convention.

3ly· Voted, to Choose a Committee to Draft a Representation and Lay it before the Committee. Choose Capt· James Clay, Mr· Eleazer Paterson, and Helkiah Grout for the Purpus above said.

The above Committee Reported.

The Committee appointed to Draft a Representation as in the third article Reported as follows:

Persuant to the Resolves of the Honorable Convention of [the] State of New York appointing the Committee of the County of Cumberland to assist the Sheriff in Holding the Election of Governour, Lt· Governour, Senitors, &c., the County Committee from eight towns meet on the fourth Day of June Instant and proceedid to make Choice of Capt· James Clay, Chairman, and Mr· Stevens, Clark, and after Deliberating on the Important affair and Broken State of the County, adjourned untill the Seventeenth Day of June Instant, at which time they meet according to adjournment from five towns, but the Sheriff[1] having Resigned his Commission and Intirely Refusing to act thereon, and the Committee being terrifyed with threats from the people who are Setting up a new State here, they thought it Imprudent to proceed to any Business and adjournd to meet at Brattleborough on this 26th Day of June, where they are meet according to adjournment from six towns, and where also a number of men who are appointed by Several towns to make their Disapprobation to the Proceedings of the Late Convention at Windsor publickly Known in some proper manner, meet the Committee and Joyne with them, and in Representing the Broken and Disordered State of the County, and making their Disapprobation to the proceedings of the Late Convention at Windsor Known to the Honourable Convention or Assembly of the State of New York.

We therefore the Committee of the County of Cumberland, and others, Specially appointed by the Towns of Weathersfield, Westminster, Putney, Brattleborough, Hindsdale, and part of Guilford[2] for said purposes, Do Represent as follows, viz. that the Convention, held at Windsor on the fourth day of June Instant for the purpose of Establishing there new State of Vermont, have taken into their Possession the Prison of this County and have strictly forbid all Committees acting under the athority of the State of New York, so that it is Become Impracticable for the County Committee or any other Comtee to proceed to any pub-

[1] Doctor Paul Spooner, who joined "the people who" were "setting up a new state."

[2] Guilford had no regularly appointed committee-man present, but doubtless some person to represent the New York party in that town.

lick Business in this County, and that several prisoners now in Prison in the County, who might have been set at Liberty agreable to the Resolves of the Convention of the State of New York, are still Kept in prison in the most Pitifull Circumstances, and are so Like to Continue—and that the publick peace is in so [far] Interrupted by the Proceeding of this Convention at Windsor, and those Disorderly persons who are so warmly engaged in Supporting the Illegal authority of their New State, that it hath already Considerably Hindered the Raising men for the Common Defence—and we think we have Reason to Beleave that if a stop is not Speedily put to this Spirit of Disorder which Rages so vehemently here, that a final period will soon be put to any further provision being made in this County for the Common Defence of america.

We further Represent that a Considerable number of the people in this County who are so warmly engaged in the seeting up their new State have not any or but Little property which they can Claim under any Grant whatever: and that we Really Beleave that the Leaders of the people who are for the new State in this County are persuing that which they Esteem their privit Interest and prefer that to the publick weal of America—and that they are Determined to support the athority of their new State at all events, and we Really Beleave that without the Interprsion of the Honourable Continental Congress, they will neaver submitt to the athority of the State of New York untill obliged so to Do it by the sword.

And we Do hereby solemnly Declare that we Intirely Disapprove of the proceeding of the Late Convention at Windsor, and of all other persons whatever acting under authority of said Convention, and that we will at all times do our best endeavour to support the Leagal athority of the State of New York in this County.

Signed by order of the Commtee and those other persons Specially appointed for the purposes aforesaid. JAMES CLAY, *Chairman.*

Dated at Brattleborough ye 26 day of June A. D. 1777.

*To the Honourable Convention or assembly of the State of New York.*

4ly. Voted to except the Report of the above Committee and that it be sent to the Convention of the State of New York.

5ly. Voted that Mr. Eleazer Patterson and Hilkiah Grout be appointed to Carry the Representation of this Committee to the Convention at the State of New York.

6ly. Voted to adjourn untill tomorrow morning at Seven o Clock.

JUNE ye 27.

Mett according to adjournment.

7ly. Voted that Whereas the Committee of Safety of the State of New York Did on the 22 day of January Last authorize and Impower the General Committees of the Countyes in this State to appoint and assign fit and sutable places for Innoclation for the small pox—the Committee of the County of Cumberland do therefore by the athority and Trust Reposed in them by the Committee of the State of New York, Do allow and approve that a house may be Built in the town of Brattleborough for the purpose of Innoculation in such a part of the town as shall be appointed by Mr. Obadiah Wells, Capt. John Sergent, and Lt. Israel Smith, and they to have whole Care and Inspection over said house that the small pox Doth not Spread.

*Mr. Patersons and Grouts Credentials.*

These are to Certify to the Honorable Convention or Assembly of the State of New York that Colo. Eleazer Paterson and Majr. Hilkiah Grout the Bearers hereof was this Day appointed by the Committee of this

County to Convey to the Assembly or Convention the Representation and Disapprobation herewith to them Commited, and also the expence of his Journey is born by private Subscription as the Disorder[d] State of the County Renders it Impossable to Rase any money in a pubblick way, therefore the Committy prays the Assembly or Convention Give their assistance in this affair.

Voted that the above be signed by the Chareman and given to Col[o]. Patterson and Maj. Grout.

Voted to adjourn this Committee to the first teusday of September next to meet at the Court house in Westminster at nine o Clock in the forenoon.

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ADJOURNED MEETING AT WESTMINSTER, SEPT. 2, 1777.

Hinsdale, [none.]
Brattleborough, [none.]
Guilford, [none.]
Halefax, [none.]
Draper, [Wilmington, none.]
New Fane, [none.]
Putney, [none.]
Pomphret, [none.]
Townshend, [none.]
Hartford, M[r]. Rust.
Westminster, M[r]. Gilston, [Gilson.]
Woodstock, [none.]
Rockingham, M[r]. Simons.
Springfield, M[r]. Stevens.
ditto M[r]. Powers.
Winsor, [none.]
Hertford, [Hartland, none.]
Chester, M[r]. Sergents.
Kent, [Londonderry, none.]
Wethersfield, Mr. Grout.
Cavindish, [none.]
Fullam, [Dummerston, none.]

WESTMINSTER, September 2: 1777.

According to the adjornment of the Committee and a New notification sent to the above towns by the Chairman of the County Committee,[1] the above Gentlemen met at the County house and proceeded as foloweth:

The Chairman Not being able to attend his Duty, M[r]. Stevens who was Clark opened the meeting.

Firstly. Voted after a long Debate to adjourn said meeting until to morrow morning at Seven o Clok.

SEPT. y[e] 3.

At Seven o'Clok met according to adjornment.

It was moved that this Commitee Send Some Sutible Person to the Convenson or Legislature of the State of New York to inform them of the Conduct of the Protended Counsil [of Safety] and Protended Commitees of the State of Vermont and take their advice and Directions thereon, but their Being four members against the motion we Could Not obtain any vote of that mater [nature.]

Seco[nd]ly. Voted to adjorn this Committee until the Second tuesday of November next at teen of the Clok in the morning to meet at this Place.

Among the PINGRY PAPERS, connected with the foregoing records of the County Committee in 1777, are the following credentials and other proceedings of town meetings:

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[1] The fact that only seven of the twenty-one towns were represented, after notice had been sent to all the towns, indicates a strong sentiment at that time for the "new state of Vermont."

At a Legal town meetting held at Putney on the thirteenth of May A. D. 1777, Chose Capt. James Clay and Left. Lukus Willson Committee men to Join the County Convention at Westminster.

AMOS HAILE, *Clark.*

These may Certify that Col. Eleazr Patterson & Mr. Amos Tute were Legally Chose by the Inhabitants of Hindsdale [Vernon,] as members for the County Committee.

JONTH HUNT, *Clerk.*

Hindsdale, May ye 13th. 1777.

MAY THE 20th 1777.

At a legal meeting held in Springfield, Chose Simon Stevens and Jerathmiel Powers County Committee for this year ensuing.

Test, SIMON STEVENS, *Clerk.*

These are to Certifi all whom it may Consern, that Mr. Obidiah Wells & Capt. John Serjants where Legally Chose Members for the County Committee, in a Full Town meeting held on Tuesday ye 27 Instant.

Attest, STEPN GREENLEAF, *Town Clerk.*

KENT, [LONDONDERRY,] June 2 1777.

These are to Sertifry that the Bearer James McCormick was Legaly Chosen by the inhabitants of sd town to Represent them at Westminster the 3 of this Instant at a Preposed Meeting of the County Committees by Vartue of New York athority.

EDWARD AIKEN, *Town Clerk.*

At an Annual Town Meeting held at the Town house in Windsor on the twentieth Day of May past, after the Choice of a Moderator it was put to Vote whether the Town would proceed to Act acording to the Orders from the State of New York ; Voted in the Negative by a great Majority.

EBNr CURTIS, *Town Clark.*

To the Chearman of the County Committee.

Whereas I the Subscriber are the member of the County Committee of Cumberland to represent the town of Windsor in Convention this third day of instant June, Do now in behalf of sd town Enter my protest against any proceeding under the State of New York either directly or indirectly as to any Jurisdiction over sd town.

EBENEZER HOISINGTON.

Agreable to a Vote of the Inhabitants of Townshend passed on Tuesday the 3rd day of June 1777, Mr. John Dyar is Impowered to Carry and Lodge the within Instructions with the Chairman of the Committee for the County of Cumberland.

Attest, SAML. FLETCHER, *Clerk.*

*Instructions to Major Joseph Tylar by the inhabitants of Townshend.*

That you do not act with the County Committee of the County of Cumberland agreable to the new Constitution of the State of New York, because it is our Opinion that we do not belong to the Jurisdiction of that State, and that you in behalf of the inhabitants of sd Townshend do

protest against any County Committee sitting or acting under the authority of the State of New York in s[d] County, untill the report of the Deligates of the N. Hampshire Grants which have been to the Continental Congress is received. Attest, JOHN DYAR, *Clerk.*

These May Certifye that Nathaniel Robinson Esq. & M[r]. Michael Gillson (at our Annual Meeting the Twentieth Day of May Last) Was Leagaly Choosen Members of the Committee of Safety For the County of Cumberland. p[r] ELKANAH DAY, *T. Clerk.*
Westminster, 18[th] of June 1777.

At a Legall Meeting of the Inhabitants of the Town of Hindsdale On y[e] 19. day of June A. D. 1777, Voted & Choose Col Eleazar Paterson & Major Jonathan Hunt as A Committee from this Town to Meet the Committees of Severall Other Towns in this County at Capt Sargents in Bratleboroug on the Twenty Sixth day of this Instant June at Nine o Clock in the forenoon & that they have full Power & Authority from us to Joyn the Other Committees from the Other Towns in Choosing a Man or Men (if they should think Best) in Order to Make a Representation to the Continental Congress & the Provincial Congress [of New York] Concerning the New & unlawfull State of Vermont that Seems to be a going on here to Our Great Disturbance.
Attest. JOHN BRIDGEMAN, *Moderator.*

PUTNEY June y[e] 23: 1777.
M[r]. Clay Laid the Leter, He Received from the Committee of the Town of Bratelbourough, Befor the Town of Putney, and a Previs Question be[ing] Put—it was Voted, that Capt. James Clay and M[r]. Luias Wilson, Joyn the Committee at Bratelborough, on the 26: Instant agreable to the Leter atest: AMOS HAILE, *Town Clarck.*

These are to certify, that at a meeting of the inhabitants of the town of Weathersfield, this 23[d] day of June 1777, that we made choice of Major Grout and Mr. Eliphalet Spafford to join a Committee of Brattleborough and the other towns they have sent to, by order of the above said town. ISRAEL BURLINGAME, *Town Clerk.*

At a meeting of the Inhabitants of the town of Hertford [Hartland,] held on the 16 of this Instant August to hear the Desire of Capt. James Clay, Styling himself Chairman of the County Committee, Requesting that the s[d] Inhabitants to Chuse County Committee man to Sit at Westminster on the first tuesday of September Next,
Voted, first, that Joel Mathews be Moderator.
2ly, Voted that the town Chuse two Committee men agreable to the above Desire.
3ly, that Major Mathews [and] Ensign Rust be appoynted as County Committee for the town, to stand till the Second Tuesday of March Next.
JOEL MATHEWS, *Moderator.*

These certificates close the apparently complete journal of the Cumberland County Committee from June 1776 to September 1777, as preserved in the *Pingry Papers.* The November meeting either was not held, or its record has been lost, so that practically the meeting of September 1777 may be called the last meeting of the County Committee.[1]

[1] In June, 1777, to an inquiry as to the temper of the people in eastern Vermont, the reply from Cumberland county was, that " the New Hamp-

Several other meetings, composed of Town Committees, were afterward held, but these can hardly be styled *County* Committees or Conventions, inasmuch as only a part, and usually less than half, of the towns in the county were represented. In fact they were generally meetings of the adherents to New York only, and for the purpose of resisting the government of Vermont. So far as necessary to explain the action of that government, the acts of these meetings will be noted in the proper time and place. For the most complete account, short of the manuscript and printed state papers of New York, the reader is referred to B. H. HALL'S *Eastern Vermont.*

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shire Grants had declared themselves independent, *and would not let the county committees sit*, nor permit any thing to be transacted under the jurisdiction of New York."—*Eastern Vermont*, p. 299. One of the charges of the Vermont Council of Safety against Capt. James Clay was, that he called a meeting of the Cumberland County Committees under New York.—See close of *Appendix* D, *post.*

# APPENDIX A, No. 2.

## GLOUCESTER COUNTY COMMITTEE OF SAFETY.

Ample evidence is found in the *American Archives* of the patriotic spirit of the people of Gloucester County in 1775 and the subsequent years of the revolutionary war, and also of the formation and efficient work of its Committee of Safety; but no formal record of its proceedings has as yet been discovered. On two occasions, there were joint meetings of representatives of Cumberland and Gloucester Counties, and the minutes of proceedings have been already given in *Appendix* A, No. 1. On other occasions there were also joint meetings in which Gloucester County was represented, and these will be given in the proper place. The following documents cover the period from June 1775 until June 1777, the last date fixing the time when the people of the county determined to join their fortunes with Vermont.

### JACOB BAYLEY TO NEW-YORK CONGRESS.

[From *American Archives*, Fourth Series vol. II, col. 1134.]

NEWBURY, June 29, 1775.

*Gentlemen:*—Lately we received a desire from you to send a member or two to the Provincial Congress at *New-York*. We met and chose one, Sir, myself; but considering our distance and the danger we might be in of a visit from *Canada*, thought best that I do not yet attend until we were prepared to meet with an enemy at home. I am taking what pains I can to be prepared with arms and amunition, but as yet to but little purpose; am still apprehensive of danger from *Canada*, and cannot be absent. I have had intelligence from an *Indian*, to be depended on, who informs me that they shall be forced to take up arms, if we do not help them by sending an army to *Canada*, and say they are both threatened and flattered; says that the *French* and *Indians* will join us, and make no doubt but *Quebeck* will be taken, (which is their desire,) but if it is neglected much longer it may be fatal to them and us. I have employed him to bring intelligence from *Canada*, and must meet him myself, and shall transmit to you. I should think that if orders were sent to me, I could raise two or three hundred men from the neighbouring Governments, which must be necessary either for our defence or to proceed to *Canada*.[1]

[1] Gen. Bayley was as zealous as Ethan Allen for invading Canada. June 23, 1775, he sent an address to the Northern Indians, to persuade

If it is thought best to raise men, arms (at least two hundred) and powder and flints must be sent. Mr *Harvy* [Alexander Harvey, doubtless,] will inform more, and take care of whatever is sent. Mean time I am endeavouring to supply ourselves from seaports eastward.

We acknowledge with gratitude the notice taken of us by you; shall attend [the N. Y. Congress] as soon as we are in a posture of defence.

Wish prosperity to the cause of liberty and truth. Am Gentlemen, your most humble servant, JACOB BAYLEY.

*To the Provincial Congress for New-York Colony.*

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JOHN TAPLIN TO NEW-YORK PROVINCIAL CONGRESS.

[From *American Archives*, Fourth Series, vol. II, col. 1668.]

NEWBURY, New-York Province, July 15, 1775.

*Sir:*—Your letter of the 31st of *May* I did not receive until the 14th instant, which was broke open and the General Association taken out. We have formed a County Committee, as also one in each Town and Precinct; also, we have chose Colonel *Bayley* to represent us in the Congress. The County seems to be very well united, and firm to one another and also in the cause of liberty; and I make no doubt but they will cheerfully join in whatever measures and directions the honourable Congress may point out from time to time.

I am, Sir, your most obedient and humble servant,

JOHN TAPLIN.[1]

*To Peter V. B. Livingston, Esq., President of the Provincial Congress, at the City of New-York.*

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JACOB BAYLEY TO NEW YORK CONGRESS.

[From *American Archives*, Fourth Series, vol. III, col 1124.]

NEWBURY, October 20, 1775.

*Sir:*—The packet I received from you, some time the last of August, broken, many of the papers wanting. I supplied the Association, who [which] all have signed but a very few. Shall send it soon, [that is, the list of signers, and of the persons who refused to sign.] We are now regulating the Militia after the form that the Continental Congress advise, (not having received any thing from our [New York] Congress,) only shall choose by the Captain and subs together with the Committees, the field-officers, and shall recommend them accordingly.[2] Here-

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them to join the Americans against the British; and with the same view he urged the completion of the now called "Hazen road," the construction of which he commenced in 1776. For the unique address to the Indians, see *American Archives*, Fourth Series, vol. II, col. 1070.

[1] JOHN TAPLIN was one of the first settlers of Newbury. He was appointed Commissioner to administer oaths of office and judge of inferior court of common pleas, March 17, 1770; and judge again April 10, 1772. His son, JOHN TAPLIN, jr., was Sheriff of Gloucester county from March 1770 until May 1777.—See *Eastern Vermont.*

[2] The meaning appears to be, that the commissioned company officers, acting jointly with the town or district Committees of Safety, (who constituted the County Committee,) were to nominate field-officers to be commissioned by New York.

tofore we chose new Captains and subs, both for the standing [militia] and minute men,[1] who were at the command of the President of our little [County] Congress, assisted by the Chairman of each District Committee; and long before we heard of a Congress at *New York*, we all to a man signed an Association, agreeable to the Continental one, which I forget whether I mentioned to you before. I determine to see you this winter, if health permit.

It is sixteen days since we have heard any thing from *Canada*, and what I had then you have before now. I hope all is well. I shall make a return by Docter *Wetherspoon*, whom we expect every day. All are well, and with us peace and plenty. This from your most obedient humble servant, JACOB BAYLEY.

*To John McKesson, Esq., Secretary to the Congress at New York.*

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JOEL MATTHEWS TO NEW YORK CONGRESS.

[From *American Archives*, Fourth Series, vol. VI, col. 547.]

WINDSOR, May 22, 1776.

Agreeable to the order of the honourable Provincial Congress of *New-York*, the Committees of Safety of the Counties of *Cumberland* and *Gloucester*, appointed a Committee of three out of the Committee of Safety of each County, for a Committee to nominate a Brigadier-General and a Brigade Major. In consequence of which, the Committee so chosen previously notified the Committee of *Charlotte* County, by a letter, directed to the Chairman thereof, of the time and place of meeting, but had no return. Your Honour's obedient and humble servant,

JOEL MATTHEWS.

*To the Honourable Provincial Congress.*

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At a meeting of the Committees of the Counties of *Cumberland* and *Gloucester*, appointed to nominate a Brigadier-General and a Brigade Major, at Windsor, on *Wednesday*, the 22d day of *May*, 1776: made choice of Colonel *Joseph Marsh* as Chairman, and Major *Joel Matthews* Clerk; then proceeded and made choice of Colonel *Jacob Bayley* as Brigadier-General, and *Simon Stevens*, Esq., as Brigade Major, of said Counties.

*Voted*, That the return of the above nominations be sent by Colonel *Marsh* to the honourable Provincial Congress, who is authorized to represent this Committee at Congress.

A true copy from the Minutes. By order,

JOSEPH MARSH, *Chairman.*
JOEL MATTHEWS, *Clerk.*

*To the Honourable Provincial Congress.*

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JACOB BAYLEY TO THE PRESIDENT OF THE NEW YORK CONVENTION

[From the *Documentary History of New York*, vol. 4, pp. 560–561.]

NEWBERRY, Febr. 19th, 1777.

*Dear Brethren*,—With the utmost Concern for the Publick welfare of the United States, and this in particular, I take my Pen to write when I consider the Absolute nessecty of an Intiere Union of all the Friends to truth—the American cause I mean—and when I see all the Friends

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[1] Meaning that new company officers were appointed, doubtless to exclude inefficient or unpatriotic men.

of hell Combined and using all their Deiabolicall Arts to Disunite us, and now the Deivil as usuall at the last efforts of Changing themselves into angles [angels] of light, now pleading you [we] were abused by the State of N. Y. they having taken away your [our] property, Imposed upon you [us] in every shape, you [we] have nothing better to expect than as heretofore, now is the time to separate &c. And so far has this timptation prevailed that a number (not from this County) has declared Independacy of the State of N. Y^k. and the Committee of Dorset has Directed a Convention of all the New Hr. Grants to meet at Dorset to fill up by Draft or Raising a bounty, Coll^o. Warners Regt. However Inconcistant to there own plann, I Supose the Chiefl of Cumberland will Join. None from us, but which way for us to steer I know not. I know the Congress will not countenance them in there Independence. We are at the greatest distance of anie of this State. We are willing to be Subject to N. Y. but had Rather be somewhat handier to the Seat of Gov^rt. as we really see the want of it. I have heard I was chosen to waite on the Congress in behalf of[1] I am also desiered by the Committees [of Gloucester county, probably,] to apply to Congress through our own assembleys [the New York Convention at that date] for Proetection. Can I come to you as our assembly or not? I cannot as New Connectcutte [Vermont] wait on the Congress.[2] Whether as the case stands we had not better be ordered to do dutey [military duty] with Boston [Massachusetts] or N. H. ? I am afraide not from any thing heard saide, but [from] the naturall Consequence that these Counties [Gloucester and Cumberland] are in danger of Ministeriall proetection.[3] The heads of the Green [Mountain] men were with me in Nov^r. They Insisted much on my Joyning [them.] I refused, but told them first to petition our own [New York] Congress, which they said should be done the 16^th Jan^y.[4] which I thot would bring them to you with hopes some measures would then be used to heal old Deficultys, but the Reverse happned at that meeting.

I should have waited on you before now, but I really expected Col^o. Alcot [Gen. Peter Olcott] was with you.[5] I shall attend as soon as Possiable. I should think the men raised under Hossington [Rangers, under Maj. Hoisington,] should be Paid and kept for Service; if not held, none be Paid but them that has done real Servise. That will not be much, (but if they are continued they may be serviseable in fu-

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[1] Blank in the copy. Gen. Bayley was appointed delegate for Gloucester County in the New York "Congress" in 1775, but never took his seat.

[2] Either as he did not desire to do so, or because Vermont was not recognized by Congress.

[3] That is, in danger of being occupied by British troops. Again and again Gen. Bayley declared the danger of such an event; and Gen. Washington on one occasion confessed his fear of it in a letter to Gen. Bayley.

[4] Meaning, doubtless, by the Convention which met at Westminster on the 15th of January, 1777, and sat on the 16th and 17th.

[5] This seems to imply that Gen. Olcott had been appointed a delegate, but the editor is aware of no other evidence to that effect. His residence was in Norwich, Cumberland county.

ture,) if the whole money is sent, and all that will muster to be Paid, and care taken that no more Billeting is paid than has been in Servise.

Tho the Frontiers this way has seemed to leave you, you will ever care for the whole. I think that ever an army of observation is wanted here; it is now, both on acct. of Internal as well as External Enemys. You will advise as you think best, and rely you [or you may rely I] will do every thing for the good of the whole without having any regard to Private views. I am Gents. Your most obedient Humble servant,

JACOB BAYLEY.

The editor of the *Documentary History of New York* evidently intended to give a literal copy of the foregoing letter; but here, by points, division of sentences, and other devices, an attempt has been made to give the meaning intended by the writer. The last letter of Gen. Bayley to the New York authorities was dated June 14, 1777, and declared that the people of the county were "almost to a man" violent for a separation from New York. On the 4th of that month six towns of the county, being the most important, were represented in the Vermont Convention at Windsor, and from that date the county may be reckoned as lost to New York.

# APPENDIX B.

SOME MISCELLANEOUS REMARKS, AND SHORT ARGUMENTS, on a Small Pamphlet, dated in the CONVENTION of the REPRESENTATIVES of the STATE OF NEW-YORK, October 2, 1776, and sent from said CONVENTION to the County of CUMBERLAND, and some REASONS given, why the District of the *New Hampshire Grants* had best be a STATE. By IRA ALLEN. Hartford, [Conn.,] printed by EBENEZER WATSON, near the GREAT BRIDGE. M. DCCLXXVII.[1]

## PREFATORY NOTE.

[From *Vt. Historical Society Collections*, vol. I.]

THE following, entitled "Miscellaneous Remarks, etc.," was published in pamphlet form about the month of May, 1777, but is now out of print. It appears from the preface that it "was undertaken at the request of the General Convention of the district of the New Hampshire Grants." This Convention, assembled at Westminster, had on the 15th of January preceding declared the territory separated from the government of New York, and to be an independent state,—had appointed agents to attend upon the Continental Congress, and inform that body of their declaration, and to ask to be admitted to seats therein as delegates from the new state.[2] This pamphlet was probably the first considerable publication which was made in behalf of the people of the territory after the commencement of the Revolution.

BENJAMIN H. HALL, in his "*Bibliography of the State of Vermont*," says that this pamphlet was a reply to a "report submitted to the Convention of New York on the 4th of October, 1776, by a committee consisting of William Duer, James Duane, Zephaniah Platt, John Sessions Simon Stevens and John Jay, copious extracts from which may be found in *B. H. Hall's History of Eastern Vermont*, at pages 271, 275." The first sentence of the pamphlet has a quotation from this report.

In *Thompson's Civil History of Vermont*, page 107, the following items from Colonel Ira Allen's account against the State are given: "1777 April 20th, To writing a pamphlet, Vindicating the Rights of the people to form a state, and in answer to a pamphlet published by the Convention of N. Y., dated Oct. 2d, 1776, and sent to the county of Cumberland, £6 0 0. To 3 days going to Hartford to get s'd pamphlet printed, £1 10 0."

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[1] Prepared and printed by order of the Convention at Westminster, October 1776.—See *ante*, p. 37.

[2] *Slade's State Papers*, p. 68–73.

## Preface.

The following impartial work was undertaken by, and at the request of the General Convention of the district of the New Hampshire Grants, and many matters of fact are herein inserted as a short State of the disingenuous cunning of the former government (now State) of New York, towards the inhabitants of said district; which are humbly dedicated to the candid reader, by the author, for the good of mankind.

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## Some Miscellaneous Remarks, Etc.

Our Author informs us in page 7th and 8th, viz.: "It is unquestionable that the jurisdiction of this state over the territory which now comprehends the County of Cumberland is coeval with its first formation as a Colony under the Crown of Great Britain."

It is a fact notoriously known, by those that are acquainted with the history of the former government of New York, that that government did not extend so far north as Albany, until the accession of King William and Queen Mary to the throne; then we find a commission from their Majesties to Henry Slaughter, to be materially different from those of the respective Governors of New York, before King William and Queen Mary, by their commission, dated the fourth day of January, in the first year of their reign, appointed Henry Slaughter to be Governor of the Province of New York, and the territories depending thereon, in America. Before the accession of King William and Queen Mary to the throne, plantations were extended northwardly, either on patents procured immediately from the Crown, or government, or mere settlement on extra provincial lands, in which the City of Albany was included.

The enlargement in the commission to Henry Slaughter, was in these words, viz: "and the Territories depending thereon in America." These territories are that extension of jurisdiction beyond their circumscribed limits, terminating south of Albany, called the province of New York. This territorial extension of jurisdiction was altogether in the arbitration of the Crown, to curtail or extend; this being the case, the respective Governors can no other way be judges of the extent of jurisdiction, but by directions given them, in their commission, together with his Majesty's express proclamations and public determinations relative thereto, as in the instance of the royal adjudication in 1764, a publication of which, by his Majesty's orders, gave his subjects to understand that it was his pleasure that the territorial jurisdiction of New York should extend to the west bank of the Connecticut River; which includes the Counties of Cumberland and Gloucester within that government. Before this, it was impossible for the subjects to know it; if they could have known it without his Majesty's proclamation certifying the same, such proclamation would have been needless and impertinent. The truth of the matter is his Majesty in 1739, determined that the New Hampshire government should cover the present County of Cumberland. He altered his determination in 1764, whereby New York extended its territories over the County of Cumberland, and for any gentlemen to assure people of common sense, that "it is unquestionable that the jurisdiction of this State, over the territories which now comprehend the County of Cumberland, is coeval with its first formation as a colony, under the Crown of Great Britain," is the hight of folly. It was, in the nature of things, absolutely impossible, his Majesty himself should have known that to have been the case the moment before he de-

termined it, and equally inconsistent that the subjects should know it till his Majesty proclaimed it.

Our Author further infers, in page 8th, these words, viz: "And implying a latent design by a further separation from the State, to leave the whole burthen of the present cruel and expensive war to be sustained by the rest of the community."

This is, indeed, a very extraordinary way of arguing, and in particular for the Honorable, the Provincial Congress to assert. It is well known to that State that it was ever disagreeable to the inhabitants of the New Hampshire Grants to be within the State of New York, and there has been much talk of separating from said State; and should the County of Cumberland absent from said State and connect with the State of Massachusetts-Bay, or should they connect with the rest of the New Hampshire Grants and form a new State, it is not to be even supposed but that we should pay our proportion, according to our abilities, of the expense of the present war.

It is not reasonable that one of the United States should be more pressed with powerful armies, than any other; that they ought or will pay any more for that, or if one State should raise more men, according to their numbers, to join the main army, or to scout in their own frontiers, if need be, than the rest, that they ought, in justice, to bear any more of the burthen than any other States, (but, in consequence of their being harrassed by the enemy, they ought not to pay so much). But in the sequel of the war, the whole expense will be made in one bill by the Honorable the Continental Congress; then each State will share equally the blessings of the glorious victory, by which all the liberties granted to our ancestors by the Supreme Governor of the Universe, may be kept inviolate, and handed down to the latest posterity; and if one State has done more than their proportion it will be remitted to them again, to their everlasting honor, for exerting themselves to maintain the liberties God has given us. If each State have done their equal proportion, then consequently each State will pay their proportion according to their abilities, until said bill is discharged.

Our Author asserts the following lines in page 10: "And the success of the great cause, in which the whole continent is engaged, cannot but be weakened by dissension, and by countenancing the factious and self-interested." This objection, at first view, seems to be important, but upon examination will vanish. I readily agree that it would be matter of lamentation, that when we are jointly engaged in a bloody contest, merely to oppose arbitrary power without us, that we should have occasion to contend against the same within ourselves, especially those who profess to be friends to liberty. I imagine this objection arises for want of due consideration. We are much mistaken in our views if we are not proposing that, and that only which will prevent contentions and divisions taking place amongst us, and that which will have the most happy effect to unite us in indissoluble bonds of union and friendship, by forming the whole district of the New Hampshire Grants into a new and permanent State, in which all the free and natural rights of men will be protected to the latest posterity. Certainly, if the observations I have made are just, the objection must cease in the mind of every reasonable person; for, if we consider that oppression was the cause of this unnatural war, and the oppressions this district has received from the government of New York are similar, (which, I think, may plainly appear,) are we not pursuing the same general cause? The only difference is that we are contending against the same enemy within that is also without, and certainly, if arbitrary power without us ought to be punished with vengeance, that within ought to have seven-fold; therefore,

we are persuaded that every one who is a true friend to the liberties of mankind, and has any sense of his own or posterity's good, will think the case well deserves a serious consideration, and ought to be referred to the Honorable, the Grand Council of the United States of America, for their wise deliberation and determination, which is our ardent wish. God gave mankind freedom by nature, and made every man equal to his neighbor, and has virtually enjoined them to govern themselves by their own laws. Doubtless you remember in ancient times every man sat under his own vine and fig-tree, and there was none to make them afraid; and when it became necessary for them to have some rules and laws to govern themselves by, every man appeared personally under their own fig-trees in council, and harmoniously agreed on rules to be governed by. They also worshipped the Deity in the open air; but in process of time, to shelter themselves from the inclemency of the weather, they built houses for that sacred use; then, by the increase of men, it became necessary for some divisions, and they divided themselves into tribes, each one governing his own internal policy, etc.

Since the propagation of settlements through the world it is become necessary, for the sake of good order and government, that the inhabited part of America should be divided into governments, or States, counties, towns, etc., for the convenience of its inhabitants, though not for the aggrandizement of any particular place, or number of men, but for the mutual advantage of the whole.

It was not the free voice of the people of the New Hampshire Grants, ever to be in the government of New York, but was an express order from the Crown in the year 1764, and was unknown to most of said inhabitants of said Grants, until his Majesty's proclamation appeared certifying the same.

By the declaration of independence, all laws and connection with the British Court were dissolved, which left all kingly government destitute of any law, or established mode of government, to establish us a free and independent State of America; and as the design of forming governments was meant for the mutual benefit, peace and happiness of the present and future ages, I see no reason why any county or counties, community or communities of people, may not assert their free and natural rights and liberties which were given them by the God of nature; and if the royal tyrant of Great Britain did pass an order extending the territorial jurisdiction of New York to the West Bank of the Connecticut River, for some sinister views to the Crown, (or by the influence of some designing gentlemen in New York,) and contrary to the free voice of the inhabitants of the whole district of the New Hampshire Grants, as it rendered the situation of the inhabitants very disagreeable in many respects, and one on this hypothesis unavoidable, viz.: their local situation, as some of them are upward of four hundred miles from the Seat of government at New York: this order may be well accounted one of the cruel acts of the Crown; and as the Honorable, the Continental Congress did, on the fourth day of July last, declare the United Colonies of America to be free and independent of the Crown, which declaration the people of the New Hampshire Grants have most cordially acquiesced in, by forming an association, binding themselves by all the ties held sacred amongst men, to exert themselves to defend by arms the liberties of America, as also by many votes of the General Convention of later dates; and, whereas, by said declaration, the arbitrary acts of the Crown are null and void in America, consequently the jurisdiction by said Crown granted to the government of New York over the people in the New Hampshire Grants, is totally dissolved, so that the evil of New York is not left over any part of the New Hampshire Grants.

It has been before observed, that the design of forming government was meant for the mutual benefit, peace and happiness of the present and future ages ; therefore, since the dissolution of the British power in America, all power as it was, in the beginning, naturally resolves back on the people ; it, therefore, now stands every individual in hand to see what way and mode of government they adopt, as also the boundaries of each State ; together with the natural genius, habit and temper of the people which are to make and constitute one body politic.

And now, as I view it, we are probationers, to act not only for ourselves, but for posterity, even in some degree as it was with Adam in his original purity. He transgressed the Divine law, thereby brought sin and misery on himself and posterity, which deprived his successors of those liberties and mansions God had given him. Each man is accountable to his Creator for the part he now takes, for on the conduct of the present age depends the liberties of millions yet unborn.

Since this vast continent has made this noble stand, have and still continue to wield the sword of liberty, to preserve inviolate the freedom of the present and future ages, and are about to establish new and free States, under the authority of the people, it behooves us, as inhabitants of the New Hampshire Grants, to view with candor our own situation.

We principally emigrated from the New England States, the former laws, rules and regulations of which were nearly alike, in consequence of which the inhabitants of said Grants have been taught in one way. Their genius and customs have been so near correspondent that there is the highest probability that they would unanimously agree on a mode to govern the internal policy of a State, with the greatest unanimity, which is one of the greatest blessings ever bestowed on a free people.

On the other hand, the former laws, rules and regulations of the government, now State of New York, have been so materially different from those we have been accustomed to, and considering the conflict that has subsisted, these many years, between this district and the said government, there is the greatest reason to believe that, should this district connect with that state, to make one body politic, there would be as little hopes of a reconciliation ever taking place between them as there would be between Great Britain and the United States of America, which must render the situation of both very unhappy. Witness a resolve, viz :

"In convention of the representatives of the State of New York, at Harlem, August 2, 1776, *Resolved*, unanimously, that all quit-rents formerly due and payable to the King of Great Britain, within this State, are now due and owing unto this Convention, or such future government as may be hereafter established in this State.

Extract from the minutes,

ROBERT BENSON, *Secretary.*"

It is to be here noted that those grants that derived from New Hampshire pay one shilling proclamation money, and those from New York, half a crown, sterling, on each hundred acres, when, in the ancient part of the province of New York, Livingston's Manor, a tract of land about twenty miles square, pays but one beaver skin annually, as quit-rent, and Bateman's patent, a valuable tract of about ninety thousand acres, pays only a quit-rent of three pounds, ten shillings ; in fine, all the old settled part of the province pays no more than a trifling acknowledgment.

Thus it appears, by the above resolve, and by a small pamphlet, dated in convention the second of October, 1776, and sent from the Honorable, the Provincial Congress of the State of New York, to the County of Cumberland, that the present Honorable Congress have passed some un

reasonable and oppressive resolves ; a very extraordinary way indeed to collect a sum of money to defray public expense, after the former government of New York had, by cunning and fraud, threats and deceit, terrified and seduced the inhabitants of some townships, to take re-grants of them, at the extortionate price of even twenty-three hundred dollars for a township, and on said subsequent patent was added a three-fold quit-rent.

This act of the former government carries the color of tyrrany in its very visage, and is plain to be seen by the weakest capacity.

I cannot see why there is not as much tyranny in taking this three-fold quit-rent, since the dissolution of the British power in America, as there was in giving the subsequent patent, for it is still holding up in existence one of those cruel acts which induced us to take up arms and join our brethren, in the several United States, to defend the whole. By this the candid reader will easily see the almost infinite disproportion of collecting money for public expense.

To understand political power aright, and derive it from its original, we must consider what state all men are naturally in, and this is a state of perfect freedom to order their actions, and dispose of their possessions and persons, as they shall think fit, within the bounds of the law of nature, without asking leave or depending upon the will of any other man. *(Locke.)* A state, also, of equality wherein all power of legislation is reciprocal, no one having more than another, there being nothing more evident than that creatures of the same species and rank, promiscuously born to all the same advantages of nature, and the use of the same faculties, should be equal, one amongst another, without subordination or subjection, only what is absolutely necessary to keep up good laws, rules and regulations amongst mankind. The natural and just rights of a free people are, first the making, and secondly executing, their own laws. On these two branches depend the liberties of a free people, and are guarded by having the control of those branches in their own hands. And now the inhabitants of the district of the New Hampshire Grants, being invested with such powers as the God of Nature has blessed them with, although delegates from the Counties of Cumberland and Gloucester have been admitted to sit in the Honorable Provincial Congress of New York, yet the following will plainly demonstrate that they were not legally chosen by the Inhabitants of said Counties at large; for it would be unreasonable even to suppose that the inhabitants of said district of the New Hampshire Grants should ever consent to delegate their right of representation, and thereby consent to unite with a power with whom they had been, for a number of years, earnestly contending, without any hopes of redress :

That in consequence of circular letters from said Congress of New York, dated May 31, 1776, requesting the Counties of Cumberland and Gloucester to send delegates to sit in convention, and assist them in making and establishing a code of laws for said State, the following method was made use of in choosing delegates for the County of Cumberland, viz: The three first in nomination, for whom the greatest number of votes appeared, were declared accepted, without allowing a negative voice, when, at the same time, it was generally conceded to by the said County Convention that it was contrary to the free voice of three fourths of the inhabitants of said County to elect delegates to represent them in Convention aforesaid, or to be otherwise connected with them; so that by this method of choosing, if one man has ten votes, another five, and another three, they would be severally chosen, by the people at large, to assist in the establishment of a code of laws by which the whole are to be governed.

True, this mode of choosing is a sure and quick method of getting a choice at the first attempt, and, where a community are agreed in the mode, is justifiable; but this mode would be very wrongly applied to these counties, considering the aged conflict which has subsisted so long and with such impetuosity as to spill the blood of several of its inhabitants. It ever was, and still is, disagreeable for the inhabitants of those counties to be and remain in the jurisdiction of New York, therefore, according to natural liberty, a vote should have been first obtained for choosing delegates, and secondly, (if that were completed,) the mode of choosing: that is, the inhabitants of each town, in their public town meeting, appointed for that purpose, to deliver to the moderator or clerk their votes severally in writing, which votes to be carefully sealed up in the presence of such meeting, and properly conveyed to some meet person, duly appointed to receive, and deliver the same to the Chairman of the County Committee, who, with a quorum, is to complete what is further necessary thereon; but not in the clandestine way of designing men going to the habitations of private individuals to collect votes. In the County of Cumberland there are upwards of two thousand voters, out of which there were but three hundred and sixty-eight in favor of electing delegates to sit in the Hon. Convention of New York, viz: For Col. Joseph Marsh, 368: For Capt. John Sessions, 172, and for Simon Stevens, Esq., 166. Six or seven towns in said County did at the same time enter their protest against election, and even the County Committee, who gave the Delegates their credentials, did restrict them to particular instructions, reserving to themselves, in behalf of the county, a right of absenting from the State of New York whenever a suitable opportunity would admit thereof; yet Messrs. Sessions and Stevens, two of the Delegates of Cumberland County, (if I may so call them,) declared in Congress that they were chosen by the people at large; that the Committee who gave them their instructions and sent the said letter to the Convention, were elected long before their own elections, as deputies for said County; that their credentials from the County gave them full and unrestrained power in forming a government; that they conceive themselves no farther bound by their instructions than they shall appear to be right and beneficial, but that whenever, on debate, it should appear that those instructions might work an injury to the State, or, if on any question they should be out-voted, they should not consider themselves bound by instructions; and further, that as Representatives of said County, they fully acknowledge the jurisdiction of this State over the said County and its inhabitants. This representation seems to be big with great mischief; for surely, if there was any validity in their credentials, there was equally the same in their instructions, for they both were derived from one committee, and were both joined on one paper and all done in one day; and if their credentials gave them a seat in that Honorable House, they must, consequently, follow their instructions or cease to be the Representatives of the People, by the same rule that George the Third ceased to be our King by breaking his coronation oath.

Thus it appears, that out of about two thousand voters in the County of Cumberland but three hundred and fifty-eight [sixty-eight] could be persuaded to vote for delegates, and by no means a majority in the County of Gloucester, and not one on the West side of the range of Green Mountains; in the latter of which is full half of the inhabitants of said district.

By this, the candid reader will see that there has but a very inconsiderable part of the inhabitants in said district ever attempted to delegate power of legislation to any body politic, and those under particular restrictions.

Therefore, the inhabitants of said district have the sole, exclusive and inherent right to govern their internal politics; in consequence of which it now behooves every one to be critical in establishing a plan of government, for it will be like a seed sown which will spring up with boughs, either extending to secure the liberties of millions yet unborn, or serve to screen the wicked designs of crafty usurpers.

But let us take a retrospect view of the former government of New York and their conduct towards us, and then candidly consider whether the said State would not be as well off without the District of the New Hampshire Grants as with, and then see if it would not be to the benefit, peace and happiness of both, for the District of the New Hampshire Grants to be included in a new State.

Lieut. Governor Colden represented to his Majesty and privy council, that it would be greatly to the advantage of the inhabitants of the district of lands to the westward of the Connecticut River, which had been before granted by the government of New Hampshire, to be under the jurisdiction of the province of New York, and that Connecticut River was a good and certain boundary line to divide the two respective provinces; and furthermore, that Hudson River was navigable a great way into the country, and the situation of the New Hampshire Grants was such as would naturally constitute that river the centre of trade and commerce for the inhabitants of those grants, by the navigation of which, they could easily send exports to the city of New York, and receive and return such articles as they would; and that it would, therefore, be much more convenient and happy for them to be under the jurisdiction of New York, &c.

This representation of Lieut. Gov. Colden was fallacy, and would appear so to be to any gentleman that knew the situation of the New Hampshire Grants. As to a few towns in the South-West corner of the district of lands, aforesaid, I grant, that Hudson's River will naturally constitute that the centre of trade thereof, and a small part of the South-East corner of the said district, from their remote situation from Hudson's River, Lake Champlain, &c., and their contiguousness to Connecticut River, will naturally constitute that the centre of trade for its inhabitants; but for the greater part of the district of lands aforesaid, their remote situation from Hudson's River, from navigation in Connecticut River, and from the Eastern Seaports, will, from the contiguousness thereof to Lake Champlain, Chamblee and Montreal, on the River St. Lawrence, &c., naturally constitute them the centre of trade for the inhabitants thereof.

This being the situation of the district of the New Hampshire Grants, as to trade, the order would not have been made had it not been for self-interest, that is by the handle of jurisdiction, to overreach and seduce the people by cunning, fraud, violence and oppression, so as to make the landed interest of the New Hampshire Grants their own, will plainly appear by their conduct toward us.

No sooner than they had obtained jurisdiction, Lieut. Gov. Colden gave subsequent patents to the very identical land on which the New Hampshire settlers dwelt, to certain monopolizing attornies and favorite gentlemen of New York. At this the peaceable inhabitants were greatly alarmed. They sent repeatedly to New York for settlement of such unheard of dispute, but none could be had, except they would resign up their New Hampshire charters and deeds, and take new ones under the great seal of the Province of New York. At this, the inhabitants sent an agent to the Court of Great Britain to solicit redress, and obtained the following prohibition :

"*At a court at St. James's, the 24th day of July*, 1767,

PRESENT:

The King's Most Excellent Majesty,

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|---|---|
| Archbishop of Canterbury, | Earl of Shelburne, |
| Lord Chancellor, | Viscount of Falmouth, |
| Duke of Queensborough, | Viscount Barrington, |
| Duke of Ancaster, | Viscount Clark, |
| Lord Chamberlain, | Bishop of London, |
| Earl of Litchfield, | Mr. Secretary Conway, |
| Earl of Bristol, | Hans Stanley, Esq. |

His Majesty, taking the said report (that is, report of the Board of Trade) into consideration, was pleased, with advice of his Privy Council, to approve thereof, and doth hereby strictly charge, require and command that the Governour, or Commander-in-Chief, of his Majesty's Province of New York, for the time being, do not, upon pain of his Majesty's highest displeasure, presume to make any grants whatsoever of any of the lands described in the said report, until his Majesty's further pleasure shall be known concerning the same.

WILLIAM SHARPE.

A true copy, Attest, G. W BANYAR, *Secy.*"

Notwithstanding the above prohibition, the respective Governors of New York presumed to re-grant our lands, from under our feet, in open defiance of the regal authority of Great Britain.

They also sent showers of writs of ejectment to the inhabitants, which on trial, produced writs of possession; then the *posse comitatus*, consisting of about 700 men, were raised to enforce possession; then the spirited inhabitants of said district may date the beginning of the war for our rights and liberties, which we have now joined the United States of America in. I have been a personal actor in both scenes, but can see no odds in the nature of the dispute, however much they may differ in their degree.

For thus defending our possessions, which the legislative and executive powers of New York attempted to take from us, by virtue of subsequent patents, that were laid on ours, after the arrival of the above prohibition, we were indicted for rioters; large sums of money offered for us; also twelve acts of outlawry were made by said legislative body, dated the 9th of March, 1774, by which acts the judges were empowered to award sentence of death without the criminal ever being arrested, or arraigned before the bar of a court.

Before this act of outlawry was made, the following report arrived, viz.:

*Extract from a report of the Lords of Trade to the Committee of his Majesty's Most honorable Privy Council for plantation affairs, dated December 3, 1772.*

"Upon the fullest examination into all the circumstances which at present constitute the state of that district, between the River Hudson and Connecticut, out of which the greatest discords and confusion have arisen, it seemeth to us that the principal objects of attention in the consideration of any means that can be suggested for restoring public tranquility and quieting possessions are,

"*First*, Those townships which, having been originally settled and established under grants from the government of the Massachusetts Bay, fell within this district by the determination of the Northern boundary of that province in the year 1740.

"*Secondly*, Those grants of land made within this district, by the Governor of New York previous to the establishment of the townships laid out by the Governor of New Hampshire, after the conclusion of the peace, and which land now lies within the limits of some one or the other of those townships.

"*Thirdly*, Those townships which, having been originally laid out by the Governor of New Hampshire, either continue in the same state or have been confirmed by grants from New York, and also those which have since originated under grants from the latter of those colonies.

"With regard to those townships which fall under the first of the above mentioned descriptions, when we consider the nature and origin, and the numberless difficulties to which the original proprietors of them must have been subjected in the settlement of lands; exposed to the incursions of the savages and to every distress which the neighborhood of the French in time of war could bring upon them, and when we add to these considerations the great reason there is to believe that the grants were made on the ground of military service against the enemy, we do not hesitate to submit to your Lordships our opinion that the present proprietors of those townships ought, both in justice and equity, to be quieted in their possessions, and that all grants whatsoever, made by the government of New York of any lands within the limits of those townships, whether the degree of improvement under the original grant had been more or less, are in every light oppressive and unjust; but as we are sensible that such subsequent grants by the government of New York, however unwarrantable, cannot be set aside by any authority from his Majesty in case the grantees should insist on their title, we submit to your Lordships whether it might not be expedient, in order to quiet the original proprietors in their possessions, to propose that all such persons who may claim possession of lands within the limits of such townships, under New York grants, should, upon conditions of their quitting such claim, receive a grant under the Seal of New York, upon the like terms, and free of all expenses, of an equal number of acres in some other part of the district lying between the rivers Hudson and Connecticut, and in case where any actual settlement or improvement has been made by such claimants, that they should in such case receive fifty acres of waste land for every three acres they may have so improved.

"With regard to those grants made by the government of New York, which fell under the second description, and upon which actual improvement has been made, they do appear to us to deserve the same consideration, and that the proprietors ought not to be disturbed in their possessions, whether their improvements be to a greater or lesser extent; but beg leave to observe to your Lordships that in both cases no consideration ought to be had to any claim where it shall appear that no regular possession had ever been taken, and no actual settlement ever been made.

"With regard to the townships which fall within the last mentioned description, we submit to your Lordships our opinions, that provided such townships do not include lands within the limits of some antecedent grant, upon which actual improvement has at any time been made, it would be advisable they should be confirmed as townships according to the limits expressed in the grants thereof, and that all persons having possession of any share in said townships, either as original grantees or by purchase or conveyance, and upon which shares any actual improvement or settlement has been made, ought not in justice to have been, or to be in future, disturbed in the possession of such shares; nor ought they to be bound to any other conditions, whether of quit-rent or otherwise, than what is contained in the grant."

I shall here make some miscellaneous remarks on the conduct of the former government of New York, to the inhabitants on the east side of the mountain in said district.

Soon after they had obtained jurisdiction, the legislative body made a law to erect that territory, which now comprehends the County of Cumberland, into a County, and sent the same to the Court of Great Britain to be there ratified and confirmed. In the meantime they arrogated power to commissionate favorite foreigners to the place of court officers; they also commissionated a great number of both civil and military officers, such as would be most likely to be subservient to bring about their vile and mercenary purposes. But alas! to their great surprise this law was sent back negatived; yet in open violation to the laws of the Crown, the legislative and executive powers assumed to themselves authority to hold courts. Their conduct was so notorious that it was the cause of that odious and never to be forgotten massacre at the Court-House in said Cumberland County on the evening of the 13th of March, 1775, in which several persons were greatly injured, and one actually murdered. Oh! horrid scene.

Some of those officers thus appointed were very officious in advising the inhabitants to take re-grants of their lands. They were also terrified by threats from said province, that if the people did not comply with their terms, they should lose all their possessions, by which means they seduced the inhabitants of some towns so as to take subsequent patents.

The Governor and Council of New York have been aiding, assisting and consenting to a mandamus being laid on the ancient town of Hinsdale, which was first appropriated by a purchase from the Indians; secondly, by a grant from the Massachusetts Bay; thirdly, by the government of New Hampshire, and fourthly, by an uninterrupted possession and occupancy, about seventy years.

The Assembly of New York, in their State of the rights of the colony of New York, &c., in order to rid their government of the blame justly due, say, that said mandamus proceeded from the Crown, and was an act decisive in itself. A very extraordinary representation. The right of election is restricted entirely to Crown lands, whereon no Christian subject to the Crown is settled by possession or otherwise.

Common sense may teach that, a mandamus or any other Crown grant, cannot subject the property which the subject holds under the crown by virtue of prior grants; that would overturn all grants and make the king absolute.

Thus, it plainly appears, that self-interest was the moving cause of the government aforesaid making such a representation to the Court of Great Britain. Had it not been for the sake of profit to themselves, it is not likely they would have ever troubled his Majesty on this subject; and if they had done it in the simplicity of their hearts to accommodate the inhabitants in general, as to trade, &c., they would have solicited his Majesty to annex said district to the province of Quebec; as said grants are bounded about 100 miles on the Eastern Shores of Lake Champlain; and from the North End of said lake to Chamblee is twelve miles, land carriage, and to Montreal, eighteen. Near the latter, in the River St. Lawrence, seventy-gun ships have sailed.

I cannot see that it would be any way incompatible provided the inhabitants of said district should trade to New York, Connecticut River, Lake Champlain, &c., and be in a new State. It never was supposed that jurisdictional lines were so drawn that each government would have seaports in them, so as best to accommodate every part; but in free states every part of the country trades to the nighest and best seaports without any regard to jurisdictional lines. Witness the Western

part of the Massachusetts-Bay, and Connecticut: they have made their main trade to the city of New York ever since the origin of their settlements.

I have heard some people raise this objection, to wit: that it was inconvenient for the district of the New Hampshire Grants to be a State, for the sole reason of their not having a seaport in said district. I freely grant we have none, and if we were annexed to any other State, that would not bring a seaport any nearer to us; those things are immovable; yet I think we are as well off as any inland State ever was, in consequence of our bordering so far on Lake Champlain, &c., by which means the State may be supplied with all kinds of goods at a reasonable rate, and make a good market for all such species, as are to be spared, in exchange. In some parts of the world there are inland kingdoms, and why not inland states? We have our advantages and disadvantages in this as in all other things.

At this time many of the most valuable ports in America are blockaded up by our cruel enemies—the River St. Lawrence for one. All the Province of Quebec is in their possession; yet, as I was with our army at Quebec, I am conscious to myself that there are many friends of America now in that Province. We have the greatest reason to believe that, in the sequel of this war, all the American ports will be cleared of those cormorants that now infest them, and that the Province of Quebec will become one of the United States of America; and as wars have ever been frequent in all Kingdoms and Continents, no doubt that the United States of America will, sooner or later, be involved in war. Wherever war centers, in any country, it brings the greatest calamities, and most dreary scenes. Witness Boston, Charlestown, New Jersey, &c. In such days, the invaders of America must first begin on some sea-coast, or on some frontier States. Then we must send forth the hardy soldiers to assist our friends and brethren, wherever occasion shall require; then will women and children, house and property be safe with us, while, in the neighboring State, women are ravished and murdered, children killed, houses and property destroyed. Oh, horrid scene!

One special reason why the district of the New Hampshire Grants cannot connect with the State of New York is, the Supreme Court in Albany, at July term, in the year 1770, expressly declared the New Hampshire charters null and void, by said Court giving writs of possession against the New Hampshire settlers, by virtue of subsequent patents from New York, by reason of which several of the New Hampshire settlers were dispossessed of valuable farms and tenements; therefore, the inhabitants of said Grants cannot be freeholders in said State, to act in any public business, till they take re-grants of their lands, which we cannot do by any other means than by purchasing subsequent patents from our greatest antagonists, and at their own price, which most certainly would have been most unhealthy for our purses.

Perhaps some queries may arise in the minds of some gentlemen whether the district of the New Hampshire Grants, in their infant state, have men that are capable to govern the internal policy of a State, and are able to support government. I would ask such gentlemen which of the United States of America was so well peopled and so able, when they began government, as we are. Surely, I think not one; but many weaker, as to men of learning and sagacity to rule a State. I see no great difficulty in it, though it is not common that men of so great learning, as some in the world, would go to subdue the desolate wilderness; yet I think we have men of as much virtue, and as good talents by nature, as any in the world. Tent-makers, cobblers and common tradesmen composed the legislature of Athens. "Is not the body (said Soc-

rates) of the Athenian People composed of men like these ?" For any man to arrogate, and say that we have not men that can govern the internal policy of a State, might, with the same parity of reason, say that the United States of America should always be subject to Great Britain, because there were men of more universal knowledge, as to ruling the scepter, and more experienced generals, and better equipped with shipping and warlike stores, &c.

Necessity is the mother of invention. We find, by experience, that we have as good men to rule our Senate, as Britain her scepter; and as noble generals in the field as English annals have any account of. Powder, cannon and all kinds of warlike stores are manufactured amongst us. Ships of war are built, and the preparations of war go on with such rapidity that it is not to be paralleled in history. Foreign powers are now assisting the rising States of America in many respects. This the United States could not have done had they not asserted their free and natural rights and liberties that were given them by the God of Nature, thereby to throw off the heavy yoke of bondage that George the 3d has prepared for us and our successors.

Neither will the people of the district of the New Hampshire Grants ever be a free and happy people, except they steadfastly maintain the free and natural rights and liberties that were given them by the God of Nature, thereby to throw off the bondage that the former litigous government of New York has attempted to ensnare us with. Those things have greatly deterred our settlements, and should this obstacle be moved out of the way, no doubt but many worthy gentlemen, fit for any situation in life, would move into our territories, which would be to the mutual benefit of the whole.

It is true our settlements are not, many of them, of an ancient date, yet are very flourishing, and, like young beginners, we are willing to work for our living. We have plenty of fertile lands; our territory is considerably larger than either of the States of New Hampshire, Connecticut, Rhode Island and Providence Plantations, or New Jersey. No doubt but in a short time it will be as well peopled. As we are but small as to numbers, our public concerns will also be small in proportion; and as to a mode of government, there can be no greater expense in that, for the thirteen United States will all form their modes of government before we shall, and we can have the privilege of perusing them; and if any of them should be agreeable, the people can adopt them, or take such parts as shall best suit them.

Our assemblies or courts will have quite short sessions, and have but little way to go, and all such money will be spent in the State, and as the power of legislation is now in the people, they will not have occasion to commission many salaried officers in the State. They will also set all officers' fees at a reasonable rate As to Court Houses, some are already built, and I cannot see why we should be at any more expense on that account, if we are in a new State, than if we were annexed to any other; for, take it which way you will, Court Houses and Jails will be wanted; therefore I cannot see where any very great expense should arise from.

If we were to be in the State of New York, then we must send delegates to sit in the Provincial Congress of said State. It would be a long and expensive road to travel, and an expensive place when there, and in order to have the people properly represented, there should a considerable number go, and when they are all met in Congres, the State would be so large that gentlemen from the extreme parts would not personally know but very little better the situation of the other extreme parts than a gentleman would from London. Yet most of them must stay and see

what was done, and give their consent for or against; and as there has been an unhappy dispute between this district and the former government of New York, and some members of that Hon. House have been our greatest antagonists, it is possible the best of men might be some biased, though unperceivable to them. Thus, these gentlemen will spend near or all, the year, in doing what little business concerns this district, and assist others to do theirs, which they know nothing of, and in getting other gentlemen to give their consent to all resolves that concern this district, who will be equally ignorant of our situation, by reason of their local situation from ours. This being the case, it necessarily follows that there ought to be delegates enough from this district to know all business that should be necessary to be done for said district. If so, surely the same gentlemen might, much easier and cheaper, do their business by meeting in some convenient place in this district, where no other business would interfere with theirs.

When civil laws should again take place, doubtless there would be many actions appealed up to the Supreme Court of New York, and, as the State would be so large, doubtless they would be full of business. For that, and many other reasons, it is likely actions would be continued from one session to another; no doubt some very disputable cases that need numbers of evidences personally to speak. What amazing expense it would be for a man to go 450 miles to attend court, in this situation; yet his action may be put along through several courts. In this way of expense would go many thousand pounds out of this district.

The great distance of road betwixt this district and New York is alone a convincing argument that the God of Nature never designed said district should be under the jurisdiction of said State.

I now appeal to the impartial reader which of these two ways would be best, wisest and cheapest, both for the district of the New Hampshire Grants, and the State of New York.

"Brave Countrymen,
We're here assembled for the toughest fight
That e'er strained the force of American arms.
See yon wide field, with glittering numbers gay;
Vain of their strength, they challenge us for slaves,
And bid us yield their prisoners at discretion.
If there's an American among you all
Whose soul can basely truckle to such bondage,
Let him depart! For me, I swear, by Heaven,
By my great father's soul, and by my fame,
My country ne'er shall pay ransom for me,
Nor will I stoop to drag out life in bondage,
And take my pittance from Britain's hands;
This I resolve, and hope, brave countrymen,
Ye all resolve the same."

# APPENDIX C.

## MANIFESTO

PREPARED AND PUBLISHED BY ORDER OF THE WESTMINSTER CONVENTION, OCTOBER 30, 1776.[1]

[From the *American Archives*, Fifth Series, vol. II, cols. 1300-1302.]

### CONVENTION OF NEW HAMPSHIRE GRANTS.

*In Convention of the Representatives from the several Counties and Towns of the* NEW HAMPSHIRE GRANTS, *holden at* WESTMINSTER, *October* 30, 1776.

When we view the almost insurmountable difficulties the inhabitants of our infant Plantations have been subjected to in bringing a desolate wilderness into fruitful fields, gardens, &c., together with the oppressions and insults received from *New-York*, since our annexation thereto, we cannot at the same time, but view some of the present conduct of that State towards us with some degree of concern. The publick, no doubt, have heretofore been in some measure led into the nature of the dispute which has for a number of years last past subsisted between the Colony of *New-York* and the inhabitants of said district of land, and the several disingenuous advantages made use of by the power of that Colony to rob those inhabitants of their interest: But, for present illustration, the following are here set down as matters of fact, viz:

1. That most of us hold our lands by virtue of grants from the several authorities of the former Provinces of the *Massachusetts-Bay* and *New-Hampshire*. In consequence of which grants we left our native places of abode to inhabit a desolate wood; and we have never yet learnt any blame has been laid on either of the authorities of the *Massachusetts-Bay* or *New-Hampshire* for granting those lands.

2. The jurisdiction line of *New-York* being extended to the west banks of *Connecticut* River, by a royal order in A. D. 1764, The several Governours of that Colony have presumed to regrant the lands from under our feet, which has created the greatest disorders and confusions.

3. Those inhabitants being unaccustomed to such disorders, were induced at a great expense to petition the Crown for redress in the premises, who was pleased, with advice of his Council, to pass an order in the following words, viz:

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[1] See *ante*, p. 38.

"At a Court at St. James's, the 24th day of July, 1767,

PRESENT:

The King's Most Excellent Majesty,

| | |
|---|---|
| Archbishop of *Canterbury*, | Earl of *Shelburne*, |
| Lord Chancellor, | Viscount *Falmouth*, |
| Duke of *Queensborough*, | Viscount *Barrington*, |
| Duke of *Ancaster*, | Viscount *Clarke*, |
| Lord Chamberlain, | Bishop of *London*, |
| Earl of *Litchfield*, | Mr. Secretary *Conway*, |
| Earl of *Bristol*, | Hans Stanly, Esq. |

His Majesty taking the said Report (*i. e.* Report of the Board of Trade) into consideration, was pleased, with the advice of his Privy Council, to approve thereof, and doth hereby strictly charge, require, and command, that the Governour or Commander-in-Chief of his Majesty's Province of *New-York* for the time being, do not, upon pain of his Majesty's highest displeasure, presume to make any grants whatsoever, of any of the lands described in the said report, until his Majesty's further pleasure shall be known concerning the same.

WILLIAM SHARP.

A true copy. Attest: GEO. BANYAR, *Dep. Sec.*"

Notwithstanding the above prohibition, the Governours respectively of New-York, continued their former practice of regranting the same lands.

4. To take the special advantage of the governing part of *New-York*, to secure the titles severally to the lands thus regranted, writs of ejectment were sent in large detachments with officers of their appointment at the head of them, with particular orders to execute them; and the result of such services on trial have produced writs of possession from the Supreme Courts of *New-York*, in consequence of which several persons have been dispossessed of valuable farms, houses, stocks, produce, &c. And by a continuance of writs of ejectments, possessions, &c., we have been under the disagreeable necessity to draw our swords, and for many years past to wield them, in defence of our possessions and properties, from the cruel and tyrannical usurpations of that Colony: And the principle which induced us at that time to take arms in defence of our possessions and properties, is that which now induces us to take arms and voluntarily join our friends and brethren in the several *United States*, for the defence of the liberties of the whole; and to oblige us to desist from such necessary measures, sundry of the leading and principal *Green Mountain Boys* were indicted as rioters, and proclamations issued by the legislative authority of *New-York*, wherein large sums of money were offered for the purpose of apprehending and taking into custody said riotous persons and bring them to condign punishment; and as though this might not prove effectual to subdue the minor and most honest of this Government, that same legislative body did make and pass twelve acts of outlawry, which empowered the Judges, that in case any such offender, after notice had been published and posted seventy days, should not surrender himself for trial, that it should be lawful for the Judges to award sentence of death against him or them, the same as though he or they had been attainted or convicted, &c.

5. The methods taken by the legislative power of New-York, in erecting the Counties of *Cumberland* and *Gloucester*, was not (by them) intended for the benefit of the inhabitants, as may appear by their appoint-

ment of foreign persons to the place of court officers in the County of *Cumberland;* and such persons who by their immediate influence were most likely to prove subservient in bringing the inhabitants of the said Counties into a disposition to apply to the power of *New-York* for a regrant of the lands in said County; and it's to be observed the most of the civil magistrates and military officers were so appointed that they were great friends to the legislative body of *New-York.* Those persons thus appointed did not fail to use their influence with the inhabitants to get themselves appointed agents to transact a business of that kind at the court of *New-York.* The issue of which was, that regrants over the great part of the lands were then obtained; and the extravagant patent fees, together with the fees of the agents, amounted to so much that many of us were obliged to have a considerable part of our lands disposed of (thus regranted) at a very moderate price, to defray the charges aforesaid, and on said subsequent patents was added more than three-fold quit-rents.

The matter being brought thus far to a period, a Court-House must needs be erected in the County of *Cumberland,* and a tax laid on its inhabitants to defray the charges of the same; although it was not the minds of the inhabitants to have the same district erected into a County; in consequence whereof Courts of Common Pleas have been established contrary to the free voice of the people; which was the origin of the horrible and detestable massacre at the said Court-House on the 13th of March, A. D. 1775; in which several persons were actually murdered.

Sundry gentlemen of the State of *New-York,* own large tracts of lands through and round which the present inhabitants are obliged to cut roads and build mills, for which said gentlemen pay nothing, however valuable their lands are made by it. The Governor and Council of *New-York* have laid a mandamus on the ancient town of *Hinsdale,* which was at first appropriated by a purchase from the *Indians;* secondly, by a grant from *New-Hampshire;* and third, by an uninterrupted possession and occupancy about seventy years. The custom of the former Government of *New-York,* to wit: breaking of *Sabbaths,* neglect of public worship, &c. We principally emigrated from the *New England* States; and could we have had as good regulations here as have been in the *New England* States, no doubt but many honorable and wealthy gentlemen would have moved their families here that have not, which would have been to the mutual advantage of the present inhabitants. A resolve of the honourable the Provincial Congress of the State of New-York, in resolving, "that all quit-rents formerly due and payable to the King of *Great-Britain* within this State, are now due and owing unto this Convention, or such future Government as may be hereafter established in this State." Those grants that derived from *New-Hampshire,* pay one shilling proclamation money; and those from *New-York,* half a crown sterling on each hundred acres. When in the ancient part of the Province of *New York, Livingston's Manor,* a tract of land about twenty miles square, pay but one beaver skin annually as quit-rent. *Bateman's Patent* pays three pounds ten shillings sterling, a valuable tract of ninety thousand acres; in fine all the old settled part of the Province of *New-York,* pay no more than a trifling acknowledgment. Our local circumstances are very troublesome and fatiguing to us; some of us are upwards of four hundred miles from the seat of Government at *New-York.*

The foundation of *English* liberties, and of all free Government, is a right in the people to participate in their Legislative Council. And these Counties to-wit: *Cumberland* and *Gloucester,* from their local and other circumstances, cannot properly be represented in the honourable the Provincial Congress for the State of *New-York.*

For the above cogent reasons, we choose not to connect with the State of *New-York* at present; would humbly submit to the candid reader, whether we had not better refer our situation to the honourable the Grand Council of the *United States of America*, and see if they in their great wisdom could not retrieve us from our present fears, and put us in such a situation, that we should be better enabled to do our proportion in this unhappy war.

Extract from the minutes : IRA ALLEN, *Clerk.*

# APPENDIX D.

## DR. THOMAS YOUNG TO THE INHABITANTS OF VERMONT.

[From a copy printed in a hand-bill, furnished by Hon. JAMES H. PHELPS of West Townshend.] [1]

IN CONGRESS, MAY 15, 1776.

WHEREAS his Britannic Majesty, in conjunction with the Lords and Commons of Great-Britain, has by a late Act of Parliament excluded the inhabitants of these United Colonies from the protection of his Crown: AND WHEREAS no answer whatever to the humble Petitions of the Colonies for redress of grievances and reconciliation with Great-Britain, has been or is likely to be given; but the whole force of that kingdom, aided by foreign mercenaries, is to be exerted for the destruction of the good people of these Colonies: AND WHEREAS it appears absolutely irreconcilable to reason and good conscience, for the people of these Colonies now to take the oaths and affirmations necessary for the support of any government under the Crown of Great Britain, and it is necessary that the exercise of every kind of authority under the said Crown should be totally suppressed, and all the powers of government exerted under the people of the Colonies, for the preservation of internal peace, virtue and good order, as well as for the defence of their lives, liberties and properties against the hostile invasions and cruel depredations of their enemies:

RESOLVED therefore, That it be recommended to the respective Assemblies and Conventions of the United Colonies, where no government sufficient to the exigencies of their affairs has been hitherto established, to adopt such government as shall in the opinion of the Representatives of the people best conduce to the happiness and safety of their constituents in particular and America in general. Extract from the Minutes,

CHARLES THOMPSON, *Secretary.*

### [LETTER OF DR. YOUNG.]

*To the* INHABITANTS *of* VERMONT, *a Free and Independent State, bounding on the River* CONNECTICUT *and* LAKE CHAMPLAIN.

PHILADELPHIA, April 11, 1777.

GENTLEMEN,—Numbers of you are knowing to the zeal with which I have exerted myself in your behalf from the beginning of your struggle

[1] Referred to in notes, *ante*, pp. 40, 42, 44, 83.

with the New York Monopolizers. As the Supreme Arbiter of right has smiled on the just cause of North America at large, you in a peculiar manner have been highly favored. God has done by you the best thing commonly done for our species. He has put it fairly in your power to help yourselves.

I have taken the minds of several leading Members in the Honorable the Continental Congress, and can assure you that you have nothing to do but send attested copies of the Recommendation to take up government to every township in your district, and invite all your freeholders and inhabitants to meet in their respective townships and choose members for a General Convention, to meet at an early day, to choose Delegates for the General Congress, a Committee of Safety, and to form a Constitution for your State.

Your friends here tell me that some are in doubt whether Delegates from your district would be admitted into Congress. I tell you to organize fairly, and make the experiment, and I will ensure your success at the risk of my reputation as a man of honor or common sense. Indeed they can by no means refuse you! You have as good a right to choose how you will be governed, and by whom, as they had.

I have recommended to your Committee the Constitution of Pennsylvania for a model, which, with a very little alteration, will, in my opinion, come as near perfection as any thing yet concerted by mankind. This Constitution has been sifted with all the criticism that a band of despots were masters of and has bid defiance to their united powers.

The alteration I would recommend is, that all the Bills intended to be passed into Laws should be laid before the Executive Board for their perusal and proposals of amendment. All the difference then between such a Constitution and those of Connecticut and Rhode-Island, in the grand outlines is, that in one case the Executive power can advise and in the other compel. For my own part, I esteem the people at large the true proprietors of governmental power. They are the supreme constituent power, and of course their immediate Representatives are the supreme Delegate power; and as soon as the delegate power gets too far out of the hands of the constituent power, a tyranny is in some degree established.

Happy are you that in laying the foundation of a new government, you have a digest drawn from the purest fountain of antiquity, and improved by the readings and observations of the great Doctor Franklin, David Rittenhouse, Esq., and others. I am certain you may build on such a basis a system which will transmit liberty and happiness to posterity.

Let the scandalous practice of bribing men by places, commissions, &c. be held in abhorrence among you. By entrusting only men of capacity and integrity in public affairs, and by obliging even the best men to fall into the common mass of the people every year, and be sensible of their need of the popular good will to sustain their political importance, are your liberties well secured. These plans effectually promise this security.

May Almighty God smile upon your arduous and important undertaking, and inspire you with that wisdom, virtue, public spirit and unanimity, which insures success in the most hazardous enterprizes!

I am, Gentlemen, Your sincere friend and humble servant,

THOMAS YOUNG.

APRIL 12, 1777.

Your Committee have obtained for you a copy of the Recommendation of Congress to all such bodies of men as looked upon themselves returned to a state of nature, to adopt such government as should in the

opinion of the Representatives of the people best conduce to the happiness and safety of their constituents in particular and America in general.

You may perhaps think strange that nothing further is done for you at this time than to send you this extract. But if you consider that till you incorporate and actually announce to Congress your having become a body politic, they cannot treat with you as a free State. While New-York claims you as subjects of that government, my humble opinion is, your own good sense will suggest to you, that no time is to be lost in availing yourselves of the same opportunity your assuming mistress is improving to establish a dominion for herself and you too.

## A WORD TO THE WISE IS SUFFICIENT.

The use made by Dr. YOUNG, of the resolution of the Continental Congress of May 15, 1776, annoyed both New York and Congress, and produced action in the last named body which for a time was unfavorable to Vermont, as follows:

[From the *Journals of Congress*, 1777-8, vol. III, pp. 214, 215.]

MONDAY, June 30, 1777.

Congress resolved itself into a committee of the whole, to consider farther the letters and papers from the State of New York, the petition from Jonas Fay, &c. and the printed papers; and, after some time spent thereon, the president resumed the chair, and Mr. Harrison reported, that the committee have had under consideration the letters and papers referred to them,[1] and have come to sundry resolutions thereupon, which he was ready to report.

*Ordered*, That the report be now received.

The report from the committee of the whole Congress being read, was agreed to as follows:

"RESOLVED, That Congress is composed of delegates chosen by, and representing, the communities respectively, inhabiting the territories of New-Hampshire, Massachusetts Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, as they respectively stood at the time of its first institution; that it was instituted for the purpose of securing and defending the communities aforesaid, against the usurpations, oppressions, and hostile invasions of Great-Britain; and, therefore, it cannot be intended that Congress, by any of its proceedings, would do, or recommend, or countenance, any thing injurious to the rights and jurisdiction of the several communities, which it represents.

"RESOLVED, That the independent government attempted to be established by the people, stiling themselves inhabitants of the New-Hampshire grants, can derive no countenance or justification from the act of Congress, declaring the united colonies to be independent of the crown of Great-Britain, nor from any other act or resolution of Congress.

"RESOLVED, That the petition of Jonas Fay, Thomas Chittenden, Heman Allen, and Reuben Jones, in the name and behalf of the people, stiling themselves as aforesaid, praying that 'their declaration, that they would consider themselves as a free and independent State, may be received; that the district in the said petition described, may be ranked

[1] For letters of the President of New York Convention, see Slade's *State Papers*, pp. 73–75.

among the free and independent States; and that delegates therefrom may be admitted to seats in Congress,' be dismissed.

"RESOLVED, That Congress, by raising and officering the regiment, commanded by Col. Warner, never meant to give any encouragement to the claim of the people aforesaid, to be considered as an independent State; but that the reason which induced Congress to form that corps, was, that many officers of different states, who had served in Canada, and alledged that they could soon raise a regiment, but were then unprovided for, might be reinstated in the service of the United-States.

"Whereas, a printed paper, addressed to the inhabitants of the district aforesaid, dated Philadelphia, April 11, 1777, and subscribed Thomas Young, was laid before Congress by one of the delegates of New-York, to which address is prefixed the resolution of Congress of the 15th May, 1776, and in which are contained the following paragraphs: 'I have taken the minds of several of the leading members of the honourable continental Congress, and can assure you, that you have nothing to do, but to send attested copies of the recommendation to take up government, to every township in your district, and invite all the freeholders and inhabitants to meet and choose members for a general convention, to meet at an early day to choose delegates for the general Congress and committee of Safety, and to form a constitution for yourselves. Your friends here tell me that some are in doubt, whether delegates from your district would be admitted into Congress. I tell you to organize fairly, and make the experiment, and I will ensure you success at the risque of my reputation, as a man of honour or common sense. Indeed, they can, by no means, refuse you: you have as good a right to choose how you will be governed, and by whom, as they had.'

"*Resolved*, That the contents of the said paragraphs are derogatory to the honour of Congress, and are a gross misrepresentation of the resolutions of Congress therein referred to, and tend to deceive and mislead the people to whom they are addressed."

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[From the *Documentary History of New York*, Vol. 4, pp. 569, 570.]

RESOLUTION OF THE NEW YORK COUNCIL OF SAFETY.

IN COUNCIL OF SAFETY for the STATE OF NEW YORK, }
Kingston, July 17, 1777. }

Resolved that printed Copies of the Resolutions of the Honourable Continental Congress of the 30th of June last be transmitted to James Clay Esqr. Chairman of the General Committee of the County of Cumberland and delivered to Colonel Eleazer Patterson[1] and Major

[1] Col. ELEAZER PATTERSON of Vernon should not be confounded (as the editor has unfortunately done once on page 299 of this volume,) with Sheriff William Patterson of Westminster, the chief actor in the "Massacre." Eleazer Patterson was a whig, one of the Committee of Safety of his town, assistant judge (under New York) of the inferior court of common pleas and of the court of oyer and terminer for Cumberland County, and colonel of the southern or lower regiment of militia in that county. He was a strong adherent to New York, suffered some for his zeal in that service, petitioned for remuneration with several others, but was refused.—See B. H. Hall's *Eastern Vermont.*

John Wheelock,[1] and that they be requested to distribute the same throughout the eastern District of this State in such manner as will most effectually convey to the Inhabitants of the said District the Disapprobation of the Hon^ble^ Continental Congress, of the Illegal Proceedings of their pretended Convention and their adherents and abettors.

Extract from the Minutes, ROBT. BENSON, *Secr'y.*

REPORT OF JAMES CLAY THEREON.

Presuant to the above Resolves, I have Carred and Sent to the Sub Committee, of every Town in the County, a number of the Continental Resolves in order that the Inhabitance might see them, with a desire as followeth

*Gentlemen*

These are to Desire you to call a Town meeting of the Inhabitance of your Town, in order to hear the Resolves of the Continental Congress, and to Chuse County Committee Men, if your Town hath not already Chosen, to meet at Westminster Court house, on the first Tuesday in September next, at Ten a Clock in the fournoon, in order to Tranceact the Publick Bisness of the County, and all other Matters that May Come before them.[2] JAMES CLAY *Chairman of the County Committee.*

Putney, July y^e^ 28, 1777.

*To the Sub Committee of* ———

The above is a True Copy of what was sent to the Towns. J. CLAY.

WARRANT FOR THE ARREST OF JAMES CLAY, ESQ.

IN COUNCIL OF SAFETY, STATE OF VERMONT, Bennington 10^th^ august 1777.

*To Jesse Burk*, you are heareby Required to take the Body of Capt. James Clay of Putney and him safely keep so that you have him Before this Council to answer the complaints against him you are to take suitable assistance and make due Return of your proceedings herein at the same time for which this shall be your sufficient warrant.

By order of Council, JONAS FAY, *Vice President.*

A true Copy Compared. JESSE BURK.[3]

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[1] See biographical notice, *post.*

[2] This was practically the last meeting of the County Committee, though a part of the town committees continued to meet: so that the resolutions of the Continental Congress failed to serve the purpose intended by New York.—See note, *ante*, p. 137.

[3] This order was of course in that part of the record of the Vermont Council of Safety which has never been found, and here it appears as a copy of the order to Burk. JESSE BURK of Westminster was second sergeant in Azariah Wright's company in the whig west parish, and afterward, under Vermont, he was captain. He succeeded to the tory William Patterson as the New York sheriff of Cumberland county in 1775, and seems to have held the office until May 5, 1777; possibly later, as Paul Spooner, who was commissioned on that day, declined the office. The order of the Council of Safety in August of that year, and his execution of it, shows that he had accepted the authority of Vermont.—See B. H. Hall's *Eastern Vermont.*

REPORT OF MR. CLAY ON HIS ARREST.

PUTNEY August y^e^ 16: 1777.

I was taken by the within named Jesse Burk, and was carried by him before the within named Council, I asked said Committee what was the Complaint against me, Col. Chittenden Answered me, and said that I had acted under the State of New York contrary to their Resolves of June last in my notifying the County Committee to meet again, and sending about the Continental Resolves, and Seting the People against the New State, and they detained me their Six Days, and then set me a liberty with my Promising to Caraey a Letter to Burk.

JAMES CLAY.[1]

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[1] If there is not an error in the date of the order of the Vermont Council of Safety (August 29, 1777.) Capt. Clay was brought before the Council twice, and there is no record of what transpired at the second arraignment. The quotation from B. H. Hall's *Eastern Vermont*, on p. 137 of this volume, evidently refers to Capt. Clay's first arraignment as above given.

# APPENDIX E.

## REMARKS ON ARTICLE THREE OF THE DECLARATION OF RIGHTS.

By Hon. Daniel Chipman.

[From *Memoir of Thomas Chittenden*, by D. Chipman, pp. 86-93.]

The framers of our Constitution, having, as suggested, founded it on the equal rights of the citizens, and having pretty correct notions of religious liberty, had no idea of authorizing the Legislature to tax the minor sects for the benefit of the standing order, yet they considered that as all classes of the community had a common interest in the support of public worship, as they had in the support of common schools, they ought to contribute in like manner for its support. And they authorized the Legislature to pass Laws to enforce the observation of the Sabbath, and to tax the people for the support of public worship, trusting that they would do it in such manner as to afford no just ground of complaint. They accordingly made the following addition to the Section [as the third section stood in the Constitution of Pennsylvania:] "*Nevertheless every sect or denomination of people ought to observe the Sabbath, or the Lord's day, and keep up, and support, some sort of religious worship, which to them shall seem most agreeable to the revealed will of God.*"

The Legislature at their first session in March, 1778, passed an act to enforce a due observation of the Sabbath; and at the October session in 1781, an act was passed authorizing towns to lay taxes *on the lands* within their limits, for the purpose of building meeting-houses, school-houses, and bridges, but they passed no act authorizing towns to lay taxes *upon their lists* for the building of meeting-houses and the support of ministers, until October 1783, when they passed an act entitled "an act enabling towns and parishes to erect proper houses for public worship, and support ministers of the gospel." The following is the preamble and extracts from the enacting part:

"An Act to enable Towns and Parishes, to erect proper Houses for public Worship, and support Ministers of the Gospel.

"Whereas, it is of the greatest importance to the community at large, as well as to individuals, that the precepts of christianity and rules of morality be publicly and statedly inculcated on the minds of the inhabitants:

"Therefore, *Be it enacted, &c.* that whenever any town or parish shall think themselves sufficiently able to build a meeting-house, or settle a

minister, it shall be the duty of the town or parish clerk, on application of seven freeholders of such town or parish, to warn a town or society meeting, mentioning the time, place, and matter to be debated; giving twelve days notice, by posting the same at the most public place, or places, in said town or parish: and that two thirds of the inhabitants of such town or parish, who shall meet agreeable to such warrant, being legal voters, and of similar sentiments with respect to the mode of worship, shall be hereby authorized to appoint a place or places for the public worship of GOD, and fix on a place or places for building a house or houses of worship, and vote a tax or taxes sufficient to defray the expense of such building or buildings; and also to hire, or otherwise agree with, a minister or ministers to preach in such town or parish, either to supply such town or parish with preaching, or on probation for settlement; and further to vote such minister or ministers such settlement or settlements in money, or otherwise, as to them shall seem equal; and to vote such minister or ministers such annual support in money, or otherwise, (to be agreed on between such minister or ministers and people) as shall be found necessary; to be assessed on the polls and rateable estates of persons living, or estates lying within the limits of such town or parish. *Provided*, no person shall be obliged to pay such tax or taxes, or any part thereof, or his estate taken therefor, who shall be hereafter described and exempted by this act. *Provided also*, that no vote shall be deemed legal and binding on such inhabitants as are not by law exempted as aforesaid, unless there shall be twenty-five legal voters in the affirmative. And if the inhabitants of any town or parish shall agree to build a meeting-house or houses, agreeable to the tenor of this act, but shall not agree on the place or places to build the same; in that case it shall be the duty of the county court, at their sessions within the county where such difficulty may arise, at the request of not less than seven members, inhabitants of such town or parish, to appoint an indifferent committee at the discretion of the court, and cost of such town or parish, to view attentively such town or parish, and find out the most convenient place or places for such houses, and there set up a stake or stakes, and acquaint the clerk of such town or parish therewith, who shall make a record thereof; and such committee shall report their doings to the court that appointed them; which court shall examine said report, and if found to be just and equal, shall establish the same.

"And whereas, there are in many towns and parishes within this State, men of different sentiments in religious duties, which lead peaceable and moral lives, the rights of whose conscience is not to control; and likewise some, perhaps, who pretend to differ from the majority with a design to escape taxation:

"Therefore, *Be it enacted*, that every person or persons, being of adult age, shall be considered as being of opinion with the major part of the inhabitants within such town or parish where he, she, or they shall dwell, until he, she, or they shall bring a certificate, signed by some minister of the gospel, deacon or elder, or the moderator in the church or congregation to which he, she, or they pretend to belong, being of a different persuasion; which certificate shall set forth the party to be of their persuasion; and until such certificate shall be shewn to the clerk of such town or parish, (who shall record the same,) such party shall be subject to pay all such charges with the major part, as by law shall be assessed on his, her, or their polls or rateable estate."

Many towns taxed the inhabitants to raise money for building meeting-houses, settling and supporting ministers, agreeably to the provisions of the act. It was productive of great good; the people in the dif-

ferent towns, collected from various parts of New England, more readily united for the support of public worship, in a mode to which they had been accustomed, than they would have done in any new mode. But in most of the towns there was a greater proportion of those belonging to the minor sects, than there were in the other New England States, and an opposition to the [above quoted] Ministerial act was at once manifested. And this opposition naturally increased from year to year, until the year 1801, when the Legislature repealed the clause in the Ministerial Act, enabling any individual to obtain a certificate to exempt him from the payment of taxes, and enacted the following as a substitute:

— "That every person of adult age, being a legal voter in any town or parish, shall be considered as of the religious opinion and sentiment of such society, as is mentioned in said act, and be liable to be taxed for the purposes mentioned in said act, unless he shall, previous to any vote, authorized in and by said act, deliver to the clerk of said town or parish, a declaration in writing, with his name thereto subscribed, in the following words, to wit: *I do not agree in religious opinion, with a majority of the inhabitants of this town.*"

This, it was supposed, would remove all objections and silence all complaints against the Ministerial act, but it was soon found that the number of those opposed to the act was increasing. At every session of the Legislature, efforts were made to repeal the act, until the year 1807, when the Legislature repealed the offensive parts of it, divesting the towns of all power to act or pass any vote for the building of meeting-houses or the support of ministers, leaving every individual to decide for himself whether he would contribute anything for the promotion of those objects. It was well that this act was continued so long under various modifications. It has taught us a valuable lesson, that all laws must be made in the spirit of our free institutions, or they will be neither satisfactory, useful, or permanent.

It was for some time supposed that the dissatisfaction of the people with the Ministerial act arose from their objections to its details, and they were modified, but this appeared to have no other effect than to increase the opposition to the act. And at length the people spoke to the Legislature in a language which could not be misunderstood,—we will not permit the Legislature to interfere in any manner with our religious concerns. When this act was repealed, great fears were entertained that the cause of religion would suffer, that public worship could not be supported without the aid of the law, that ministers would be driven from their profession for want of a support, but the condition of the clergy was improved by the repeal of the act. And now [1849] after the experience of more than forty years, it is evident that the time had arrived for setting aside that system of supporting public worship by taxation, which was adopted by our puritan fathers, and which was so necessary in that age for the support of a pious and learned clergy, and which had been so beneficial in the first settlement of this State. But useful as that system had been, while those in the minor sects were few in number, it proved otherwise when their numbers had greatly increased. As none but the Congregationalists taxed them for the support of the gospel, they naturally imbibed a strong prejudice against that order, but since the cause has been removed, since all the christian sects have been placed on an equal footing, that prejudice is wearing off, and there is a fair prospect that all the christian sects will treat each other in a true christian spirit.

# APPENDIX F.

## THE NAME "VERMONT."

[From Zadock Thompson's *Vermont*, Part First, p. 4, note.]

This name is said to have been adopted upon the recommendation of Dr. THOMAS YOUNG. The following account of the christening of the Green Mountains is given by the Rev. SAMUEL PETERS, in his life of the Rev. HUGH PETERS, published at New York in 1807:

"Verd-Mont was a name given to the Green Mountains in October, 1763, by the Rev. Dr. Peters, the first clergyman who paid a visit to the 30,000 settlers in that country,[1] in the presence of Col. Taplin, Col. Welles, Col. Peters, Judge Peters and many others, who were proprietors of a large number of townships in that colony. The ceremony was performed on the top of a rock standing on a high mountain, then named Mount Pisgah because it provided to the company a clear sight of Lake Champlain at the west, and of Connecticut river at the east, and overlooked all the trees and hills in the vast wilderness at the north and south.[2] The baptism was performed in the following manner: Priest Peters stood on the pinnacle of the rock, when he received a bottle of spirits from Col. Taplin; then haranguing the company with a short history of the infant settlement, and the prospect of its becoming an impregnable barrier between the British colonies on the south and the late colonies of the French on the north, which might be returned to their late owners for the sake of governing America by the different powers of Europe, he continued, 'we have here met upon the rock Etam, standing on Mount Pisgah, which makes a part of *the everlasting hill*, the spine of Asia, Africa and America, holding together the terrestrial ball, and dividing the Atlantic from the Pacific ocean—to *dedicate* and *consecrate* this extensive wilderness to God manifested in the flesh, and to give it a new name worthy of the Athenians and ancient Spartans,—which new name is Verd Mont, in token that her mountains and hills shall be ever green and shall never die.' He then poured out the spirits and cast the bottle upon the rock Etam.

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[1] The population of Cumberland and Gloucester counties, as taken by the authority of New York, was 4669 in 1771—eight years after Dr. Peters' visit. Dr. Williams said: "These two Counties, at that time, contained about two thirds of the people in the whole district. The whole number of inhabitants therefore in 1771 must have been about seven thousand."—Williams's *Vermont*, second edition, vol. 2, p. 478.

[2] The editor of this volume is ignorant of any mountain in Vermont which answers precisely to this description. Mansfield and Camel's Hump come the nearest to it, as from the rocks on their crests Lake Champlain can be clearly seen; Connecticut river, however, cannot be seen. Each of these mountains gives a view beyond the deep valley through which that river runs.

There is no doubt (added ZADOCK THOMPSON,) that the name Verd Mont had been applied to this range of mountains long previous to the above transaction, (if, indeed, it ever took place;) but we do not find that the name *Verd Mont*, or *Vermont*, was ever applied to the territory generally known as the New Hampshire Grants, previous to the declaration of the independence of the territory in January 1777.

From the mode in which Mr. THOMPSON introduced the foregoing note in his *Vermont*, the reader is liable to infer that the honor of giving the name *Verd Mont* was claimed for the Rev. Hugh Peters, from the history of whom the account was extracted: but that reverend gentleman was convicted of treason in England, and executed Oct. 16, 1660—one hundred and three years previous to the event alleged above. The "Rev. Dr. Peters," who it is said performed the rite of baptism in a decidedly *spiritual* way, was no other than the author of the *History of the Rev. Hugh Peters*. In other words, SAMUEL A. PETERS, D. D., LL.D., of Hebron, Connecticut, claimed that *he* himself was the officiating priest on the occasion described. In three biographical dictionaries, which have been examined, he is styled SAMUEL A. PETERS, D. D, LL. D., but in the preface to the American edition of the *History of the Rev. Hugh Peters*, (the first edition of which was printed in England,) the middle name is omitted. Rev. SAMUEL PETERS, LL. D., was born in Hebron, Conn. in 1717;[1] while SAMUEL A. PETERS, D. D., LL. D, was born in the same town eighteen years later, to wit, Dec. 12, 1735.[2] SAMUEL A. PETERS was the author of a *History of Hugh Peters*, and also of *A General History of Connecticut*, printed in London in 1781, and re-printed in New Haven, Conn., in 1826. He was once selected for the office of Bishop of the Protestant Episcopal Church in Vermont, but was never consecrated. It will be noticed that Mr. THOMPSON hints a doubt of the veracity of this historian; knowing, doubtless, that his history of Connecticut had been characterized as "the most unscrupulous and malicious of lying narratives." It is in that volume, so broadly condemned, that the following other Vermont scene is described —*Bellows Falls;* and it is given here as a specimen of Mr. Peters's style of history:

"Here water is consolidated, without frost, by pressure, by swiftness, between the pinching, sturdy rocks, to such a degree of induration, that an iron crow floats smoothly down its current:—here iron, lead, and cork, have one common weight:—here, steady as time, and harder than marble, the stream presses irresistible, if not swift, as lightning:—the electric fire rends trees in pieces with no greater ease, than does this mighty water."—See *General History of Connecticut*, American edition, p. 110.

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[1] *History of Hugh Peters*, by Samuel A. Peters, p. 116.

[2] Drake's *Dictionary of American Biography*, and Allibone's *Dictionary of Authors.*

# APPENDIX G.

## THE UNION OF NEW HAMPSHIRE TOWNS WITH VERMONT, IN 1778–9.

[From Ira Allen's *History of Vermont*, in Vermont Hist. Soc. Coll., vol. I, pp. 394–400.]

Since the acquiescence of the late government of New Hampshire to the change of jurisdiction in 1764, a good understanding subsisted between New Hampshire and the district of the New Hampshire Grants; indeed, that State had gone further towards the admission of Vermont to sovereignty and independence than any other, as will appear from President Weare's letter of July 1777, to Ira Allen, Secretary of the State of Vermont, announcing the assistance that State was sending, under the command of General Starks, for the defence of the frontiers;[1] the stile and expressions in his letter were addressed to Vermont as a new but sovereign free state. From these circumstances, it appeared that New Hampshire had virtually acknowledged the independence of Vermont, and it was expected that she would use her influence to have it acknowledged by Congress; but these prospects were soon clouded by the conduct of some people contiguous to Connecticut River, in New Hampshire, who attempting privately to concert measures to bring the seat of government to said river, called a Convention at Hanover to concert measures to unite all the New Hampshire Grants in one entire State; to effect which, a pamphlet was printed in 1778, in which it was stated, that New Hampshire was granted as a province to John Mason, and to extend sixty miles from the sea, which formed the line called and known by the name of the Mason line; that the lands to the west of that were annexed to New Hampshire by force of royal authority, and the lands were granted in pursuance of instructions from the King and Privy Council; that the jurisdiction of New Hampshire, west of the Mason line, ceased with the power of the crown, as it was held by force of royal commission only; that therefore the people were at liberty to chuse what form of government they would establish, and they thought proper to unite with the people of the New Hampshire grants, west of Connecticut River, who were about to establish a new State.[2] These measures drew the attention of the people, so that a petition from sixteen towns, (including Hanover and others on the east side of Connecticut River,) was presented to the legislature of Vermont, at their first session, in March, 1778; in the course of said petition it was stated, that

[1] See *ante*, p. 132.

[2] The editor of this volume has tried, but in vain, to procure a copy of the proceedings of the convention at Hanover, and of the pamphlet alluded to by Allen.—See *ante*, pp. 275, 276, note, and 278.

said sixteen towns were not connected with any State with respect to their internal police, and requested Vermont to receive them into union and confederation. The legislature was much perplexed with this petition; the most discerning men were apprehensive of difficulty from New Hampshire if they interfered with her internal police; the dispute arose so high, that some members contiguous to Connecticut River threatened to withdraw from the legislature, and unite with the people east of the said river, and form a State. At length it was resolved, to refer said petition to the consideration of the freemen of the several towns, to accept or reject said petition, and to instruct their representatives accordingly; a majority were in favor of said sixteen towns, consequently, at the next session of the legislature, an act was passed, authorizing said sixteen towns to elect and send members to the legislature of Vermont at their next session; this also laid a foundation for more towns to unite as aforesaid.

The sixteen towns announced to the government of New Hampshire that they had withdrawn from their jurisdiction, and wished to have a boundary line settled between them, and a friendly intercourse continued.

Meshak Weare, Esq., was then President of that State, who wrote to Thomas Chittenden, Esq., Governor of Vermont, reclaiming said sixteen towns, predicating on the established bounds of the late province of New Hampshire; that said towns were represented in the provincial Congress in 1775; on their applying to that government for arms, &c., on their receiving commissions, and acting as a part of the State of New Hampshire; that a minority claimed protection; that the State felt it a duty to afford it. He also wrote to the delegates of that State in Congress, urging them to procure the interference of Congress; therefore President Weare recommended to Governor Chittenden to use his influence to dissolve so dangerous a connection.

On the receipt of these dispatches Governor Chittenden convened the Council, who appointed General Ethan Allen to repair to Congress in quality of agent to make such statements as might be consistent, and to learn how the conduct of Vermont was viewed by that body. General Ethan Allen reported to the legislature in October, 1778, that the members of Congress were unanimously opposed to Vermont's extending jurisdiction across Connecticut River; that if she dissolved her unions, they generally appeared in favour of her independence. At this time ten of said sixteen towns were represented in the legislature of Vermont, when it was proposed to form the towns that had united with that State into a county by themselves, which was rejected by this and some other votes. It appeared that the Assembly declined to do any thing more to extend their jurisdiction to the east of Connecticut River. The members from those towns withdrew from the Assembly, and were followed by the Lieutenant Governor, three members of the Council, and fifteen members of the Assembly, who lived near Connecticut River. The object was, to break up the Assembly, as the constitution required two-thirds of the members elected to form a house for business, but there remained a quorum who proceeded to business. They referred the matter respecting said sixteen towns to the freemen to instruct their representatives; as the union was formed by the voice of the people, the legislature chose to dissolve it in the same way. Ira Allen, Esq., was appointed and instructed to repair to the court of New Hampshire, in order to settle any difficulties that might subsist in consequence of said sixteen towns; Mr. Allen attended the General Court of New Hampshire, stated the causes that had produced said union, and the embarrassments the legislature of Vermont laboured under; that it would be

dissolved at the adjourned term in February, which appeared satisfactory to the General Court of that State. The dissenting members of the legislature convened by themselves, and invited all the towns on the New Hampshire grants, on both sides of Connecticut River, to send members to form a convention at Cornish, on the 9th of December, 1778. When the convention met, they agreed to unite, without any regard to the boundary line established on the west bank of Connecticut River in 1764. The convention then proceeded to make the following proposals to the Government of New Hampshire, viz.

"Either to agree with them on a divisional line, or to submit the dispute to Congress, or to arbitrators mutually chosen." If neither of these proposals should be accepted, and they could agree with New Hampshire upon a plan of government, they resolved further, "We will consent that the whole of the grants connect with New Hampshire, and become with them one entire state, as it was limited and bounded, before the settling of the said line in 1764." Until one of these proposals should be complied with, they resolved to trust in Providence, and defend themselves. There were but eight towns from Vermont which were represented in this convention, and some of them declined to act in making any overtures to New Hampshire, to extend their jurisdiction over the state of Vermont. But the proceedings of the Convention served to discover to the whole body of the people what had been the views of the leading men, in proposing the union of the sixteen towns from New Hampshire : It was now manifest, that their whole aim had been to form a government, the center and seat of which should be upon Connecticut River. This would be effected either by connecting a considable part of New Hampshire with Vermont, or by breaking up the government of Vermont, and connecting the whole of it with New Hampshire ; the one or the other of these measures they were earnest to effect, and either of them would probably have formed a state, the metropolis of which must have been upon the river which divides the two states.

On the meeting of the legislature of Vermont at Windsor, February 12, 1779, to get rid of a connexion which had occasioned so much trouble and danger, the Assembly passed an act, dissolving the union of the sixteen towns in New Hampshire. Mr. Ira Allen was again appointed to wait on the General Assembly of New Hampshire, then sitting at Exeter, with the act of dissolution, and to make such explanations respecting the whole transaction as might be conducive to a good understanding between the two states. After discharging the duties of his mission, and before he left Exeter, he found it was the intention of some members in the Assembly of New Hampshire to extend jurisdiction over the territory of Vermont, under the pretence of opposing the claim of New York, and the befriending of the new State in Congress. Mr. Allen thanked them for their good intentions, and offered, as his opinion, that Vermont would receive more benefit by their disinterested vote in Congress than by being a party. Mr. Ira Allen discovered the true, though secret cause of this pretended friendship towards Vermont, by a conversation with Major Atkinson, a member from Portsmouth, with some other members in a coffee-house, in which he observed that "as the seat of government had been moved from Portsmouth to Exeter, and would soon be removed to Concord, the eastern members ought to contrive and sell the seat of government to the highest bidder, and so let it go to Connecticut River; and as Governor Wentworth and his Council had made fortunes by granting lands, we may do the like by extending our jurisdiction, and giving out grants of unlocated lands, which will be included in the new acquisition."

This conversation evidently showed what measures would be adopted by the Court of New Hampshire, to extend their claim. Ira Allen prudently kept the matter a secret, until he returned to Vermont, when he informed the Governor and Council thereof, who failed not to make proper use of the hints. They kept the matter a secret also, and, at the next session of the legislature, (which was previous to the meeting of the General Court of New Hampshire,) Mr. Ira Allen was again appointed to go and concert measures with the general Court of New Hampshire, with instructions to settle a boundary line between said States, to quiet the minds of the people on both sides of Connecticut river, and to make them easy under their respective Governments.

Mr. Ira Allen attended the court of New Hampshire, and made his mission known, but found they were pursuing measures to extend their jurisdiction over Vermont, from pretended friendship, and to overturn the claim of New York then before Congress; after which the Legislature of New Hampshire pretended they would withdraw their claim, and urge Congress to admit Vermont to be a State, and to have a seat in that venerable body. Upon such ostensible reasoning, Mr. Ira Allen was advised, as agent of Vermont, to assent to the plan and claim of New Hampshire, and was assured that the interest of Vermont as a separate State from New Hampshire, was the pledged principle on which they acted. Mr. Allen expressed no doubt of their sincerity, but replied, that he was convinced that it would be the opinion of the Governor and Council of Vermont, that the highest act of friendship to be shewn by the Legislature of New Hampshire to the State of Vermont, would be, not to become a party in the dispute, but to use her influence and vote in Congress in favour of Vermont, and to unite their mutual endeavours in quieting the people settled on both sides of Connecticut River, and rendering them contented under their respective States, by establishing a boundary line.

In the mean time Mr. Allen discovered the President's plan was, under pretence of friendship to Vermont, to lay before Congress a claim of jurisdiction over the State; and that New Hampshire would make interest to have Congress decide against New York in her favour, to settle a dispute, that otherwise might be injurious to the common cause of the United States. That when such decision was made in favour of New Hampshire, the people that had professed allegiance to New York, and those who had withdrawn from the Legislature of Vermont with their friends, would naturally be for uniting with New Hampshire. That the people contiguous to Connecticut River, would feel an interest in joining with New Hampshire, on account of the seat of Government coming there.

That a union with New Hampshire would secure the title of Lands under the New Hampshire Grants, in consequence of which those on the west side of the Green Mountains, &c. would follow the example of those contiguous to Connecticut river, rather than contend alone for independence.

That the State of New Hampshire would be benefited by the unlocated lands in the district of Vermont, and that, if possible, Mr. Allen should be persuaded to consent to such a claim.

That President Weare, supposing Mr. Allen unacquainted with the real object of the plan, fell in company with, and in conversation advised him to give his consent to the claim, as the means to defeat the claim of New York, and bring Vermont into a confederacy with the thirteen United States, as a proper acknowledgment of her great exertions in the common cause, as well as to quiet the minds of the people, and to settle the discord subsisting on both sides of Connecticut river, and de-

clared on his honour that he had no secret design of overthrowing the present system of Government adopted in Vermont, or of uniting that State to New Hampshire, and called God to witness the truth of his assertions; several members of the Council and Assembly then present, declared themselves in like manner. Mr. Allen thanked them for their good intentions, and told them his present instructions and power did not authorize him to assent to their claim, which he opposed, and thought it very strange that the Legislature of New Hampshire should insist upon doing Vermont a favour, when her agent thought and contended that it would be an injury; he therefore requested in general Court, that the determination of the matter be referred to their next session, that the opinion of the Legislature of Vermont might be taken thereon. The question was moved and carried by a majority.

This procrastination was essential to Vermont, as it tended to unite the people contiguous to Connecticut river on the west, which was necessary at the next election, and to counteract the designs of the *Cornish* Convention, as well as to gain time to guard against the ill effects of such a claim, if extended, and which afterwards was accordingly done, so that the jurisdictional claim of New Hampshire extended as before the year 1764, including the whole of Vermont.

Accordingly that State put into Congress a claim to the whole territory of Vermont. As New Hampshire had not the least pretence, upon any principle whatever, to make such a claim, it was not doubted in Vermont, but that intrigues had been formed by the leading men in those two States, to divide Vermont between them. Massachusetts now interposed; whether aiming to disappoint the views of New Hampshire and New York, or in earnest to secure a part of the controverted lands, that State also put in a claim to a large part of Vermont.

[From Belknap's *History of New Hampshire*, vol. II, pp. 338-345.]

The inhabitants on the eastern side of Connecticut river [in 1778] were very conveniently situated to unite with those on the western side, and many of them had the same principles and views. They argued that the original grant of New Hampshire to Mason was circumscribed by a line drawn at a distance of sixty miles from the sea; that all the lands westward of that line, being royal grants, had been held in subjection to the government of New Hampshire by force of the royal commissions, which were vacated by the assumed independence of the American colonies; and therefore that the inhabitants of all those lands had "reverted to a state of nature." By this expression, however, they did not mean that each individual was reduced to such a state; but that each town retained its corporate unity, unconnected with any superior jurisdiction. They distinguished between commissions derived from the King, which were revokable at his pleasure, and incorporations held on certain conditions, which being performed, the powers and privileges granted by the incorporations were perpetual. They asserted that jurisdictions established by royal commissions could bind a people together no longer than the force which first compelled continues to operate; but when the coercive power of the King was rejected, and its operation had ceased, the people had a right to make a stand at the first legal stage, viz. their town incorporations. These by universal consent were held sacred; hence they concluded that the major part of each one of those towns had a right to control the minor part; and they considered them-

selves as so many distinct corporations, until they should agree to unite in one aggregate body.[1]

In these sentiments the people were not all united. The majority of some towns was in favor of their former connexion, [with New Hampshire,] and in those towns where the majority inclined the other way, the minority claimed protection of the government.

They supposed that the existence of their town-incorporations, and of the privileges annexed to them, depended on their union to New Hampshire; and that their acceptance of the grants was in effect an acknowledgment of the jurisdiction, and a submission to the laws of the State; from which they could not fairly be disengaged without its consent; as the State had never injured or oppressed them.

Much pains were taken, by the other party, to disseminate the new ideas. Conventions were held, pamphlets were printed, and at length a petition was drawn in the name of sixteen towns,* on the eastern side of Connecticut River, requesting the new State, which had assumed the name of VERMONT, to receive them into its union, alleging, 'that they were not connected with any other State, with respect to their internal police.' The Assembly at first appeared to be against receiving them; but the members from those towns which were situated near the river on the west side, declared that they would withdraw and join with the people on the east side, in forming a new State. The question was then referred to the people at large, and measures used to influence a majority of the towns to vote in favor of the union, which the Assembly could not but confirm. The sixteen towns were accordingly received, [1778, June 11;] and the Vermont Assembly resolved, that any other towns on the eastern side of the river might be admitted on producing a vote of a majority of the inhabitants, or on the appointment of a Representative. Being thus admitted into the State of Vermont, they gave notice [June 25] to the government of New Hampshire, of the separation which they had made, and expressed their wish for an amicable set-

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[1] Marginal note by Mr. Belknap: "Public defence of the right of the New Hampshire Grants, &c. Printed 1779." This note indicates that the statement is the substance of the argument contained in the pamphlet referred to as of 1778 by Ira Allen, and the reader can compare this statement with Allen's in the preceding extract. The view then entertained of the right of *the towns*, as corporations, to establish a state government, was practically exemplified in the constitution of Vermont, which was adopted by a convention of *town delegates*, without being submitted to the people at large for adoption or rejection.

* 1 Cornish,
2 Lebanon,
3 *Dresden*, { a name given to the district belonging to Dartmouth College, but now disused.
4 Lime,
5 Orford,
6 Piermont,
7 Haverhill,
8 Bath,
9 Lyman,
10 *Apthorp*, { now [1791] divided into Littleton and Dalton.
11 Enfield,
12 Canaan,
13 *Cardigan*, now [1791] Orange.
14 Landaff,
15 *Gunthwaite*, now [1791] New Concord.
16 *Morris-town*, now [1791] Franconia.2

[2] This note is from BELKNAP. It will be seen that he does not include Hanover, unless he included it in Dresden. This is true also of the resolution of the General Assembly of June 11, 1778. In 1781, Dresden and Hanover both acceded to the second union with Vermont, as distinct towns.—See Slade's *State Papers*, p. 137.

tlement of a jurisdictional line, and a friendly correspondence.[1] The President of New Hampshire, in the name of the Assembly, wrote to the Governor of Vermont, [August 22,] claiming the sixteen towns as a part of the State, the limits of which had been determined prior to the revolution; reminding him that those towns had sent delegates to the [New Hampshire] convention in 1775; that they had applied to the Assembly for arms and ammunition, which had been sent to them; that their military officers had accepted commissions and obeyed orders from the government [of New Hampshire;] that the minority of those towns was averse to a disunion, and had claimed protection of the State, which the Assembly thought themselves bound to afford; and beseeching him to use his influence with the Assembly of Vermont to dissolve the newly formed connexion.

At the same time, [Aug. 19,] the President wrote to the delegates of the State [of New Hampshire] in Congress; desiring them to take advice and endeavor to obtain the interposition of that body; intimating his apprehension, that without it, the controversy must be decided by the sword, as every condescending measure had been used from the beginning and rejected.

The Governor and Council of Vermont sent a messenger [Ethan Allen] to Congress to see in what light the new State was viewed by them. On his return he reported, that the Congress was unanimously opposed to the union of the sixteen towns with Vermont; otherwise they (excepting the delegates of New-York) had no objection to the independence of the new State.

At the next session of the Vermont Assembly at Windsor, [October,] when the Representatives of the sixteen towns had taken their seats, a debate arose on a question, whether they should be erected into a new county, which passed in the negative. Conceiving that they were not admitted to equal privileges with their brethren, the members from those towns withdrew, and were followed by several others belonging to the towns adjoining the river on the west side. They formed themselves into a convention, and invited all the towns on both sides of the river to unite, and set up another State by the name of New-Connecticut. This secession had nearly proved fatal to the State of Vermont. A ridge of mountains which extends from south to north through that territory, seemed to form not only a natural, but a political line of division. A more cordial union subsisted between the people on the eastern side of the Green Mountains, and the eastern side of Connecticut river, than between the latter and those on the western side of the mountains; but these alone were insufficient without the other, to make a State. The Governor, and other leading men of Vermont, who resided on the west side of the Mountains, wrote letters to the Assembly of New-Hampshire, informing them of the separation, and expressing their disapprobation of a connexion with the sixteen towns. The assembly regarded these letters as ambiguous, and as not expressing a disinclination to any *future* connexion with them. Jealousy is said to be a republican virtue; it operated on this occasion, and the event proved that it was not without foundation.

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[1] Dr. WILLIAMS, in his history of Vermont, said: "Having thus effected their purpose, the sixteen towns announced to the government of New Hampshire, that they had withdrawn from their jurisdiction, and wished to have a divisional line established, and a friendly correspondence kept up."

A convention of delegates from several towns on both sides of the river assembled at Cornish [Dec. 9,] and agreed to unite, without any regard to the limits established by the King in 1764: and to make the following proposals to New-Hampshire, viz., either to agree with them on a dividing line, or to submit the dispute to Congress, or to arbitrators mutually chosen. If neither of these proposals were accepted, then, in case they could agree with New-Hampshire on a form of government, they would consent that 'the whole of the grants on both sides of the river 'should connect themselves with New Hampshire, and become one entire 'State, as before the royal determination in 1764.' Till one or the other of these proposals should be complied with they determine 'to trust in Providence and defend themselves.'

An attempt was made in the following year [1779] to form a constitution for New-Hampshire, in which the limits of the State were said to be the same as under the royal government 'reserving nevertheless our 'claims to the New-Hampshire Grants west of Connecticut river.' Though this form of government was rejected by a majority of the people; yet there was a disposition in a great part of the Assembly to retain their claim to the whole of the grants westward of the river. At the same time the State of New York set up a claim to the same lands, and it was suspected, perhaps not without reason, that intrigues were forming to divide Vermont between New-Hampshire and New-York, by the ridge of mountains which runs through the territory. Certain it is that the Vermonters were alarmed; and that they might have the same advantage of their adversaries, they extended their claim westward into New-York, and eastward into New-Hampshire; and thus not only the sixteen towns, but several other towns in the counties of Cheshire and Grafton, became incorporated with Vermont by 'articles of union and confederation.'

It is not easy to develope the intrigues of the several parties, or to clear their transactions from the obscurity which surrounds them.* He who looks for consistency in the proceedings of the Conventions and Assemblies which were involved in this controversy, will be disappointed. Several interfering interests conspired to perplex the subject. The people on the western side of the Green Mountains wished to have the seat of government among them. Those adjoining Connecticut river, on both sides, were desirous of bringing the centre of jurisdiction to the verge of the river. The leading men in the eastern part of New Hampshire were averse to the removal of the government from its old seat. Vermont had assumed independence; but its limits were not defined. New York had a claim on that territory as far as Connecticut river, from which there was no disposition to recede. That State had been always opposed to the independence of Vermont. New Hampshire at first seemed to acquiesce in it; and some letters which the President [Weare] wrote to the Governor of Vermont, when threatened with invasion in 1777, were understood as an acknowledgment of it. Had there been no attempt to unite with the towns on the eastern side of the river, New Hampshire would perhaps never have opposed the independence of Vermont. But the Assembly was afterward induced to claim all that territory, which before the year 1764, had been supposed to be within the

* The author [Belknap] has spared no pains to get as perfect a knowledge of these things as the nature of them will admit. If he has not succeeded in obtaining materials, for a just and full account, it is his request that those who are better acquainted with the subject would oblige the public with more accurate information.

If Mr. Belknap could not give an accurate and complete account in 1791 from the archives of New Hampshire, it is hardly reasonable to expect that much can be added after the lapse of more than eighty years.

limits of the State. This interfered with the claim of New York; and at the same time Massachusetts put in a claim to a part of Vermont. The controversy had become so intricate, that it was thought necessary to be decided by Congress; and application being made to that body, they recommended [Sept. 24] to the three States of New York, Massachusetts and New Hampshire, to pass acts which should authorize Congress to determine their boundaries; and at the same time they advised the people of Vermont to relinquish jurisdiction over all *persons* on the west or east sides of Connecticut river, who had not denied the authority of New York and New Hampshire, and to abstain from granting lands, or confiscating estates, within their assumed limits, till the matter should be decided. The States of New York and New Hampshire passed these acts; but Massachusetts did not. The Vermont Assembly proceeded in granting lands and confiscating estates; and Congress could only resolve that their proceedings were unwarrantable.[1]

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[From Slade's *State Papers*, pp. 90-102.]

*From President* WEARE *to the New Hampshire Delegates at Congress.*

EXETER, AUGUST 19, 1778.

GENTLEMEN,

By order of the council and assembly of this state, I am to inform you, that the pretended state of Vermont, not content with the limits of the New-Hampshire grants (so called) on the western side of Connecticut river, have extended their pretended jurisdiction over the river, and taken into union (as they phrase it) sixteen towns on the east side of Connecticut river, part of this state, and who can have no more pretence for their defection than any other towns in this state; the circumstances of which you are well acquainted with; and great pains are taking to persuade other towns to follow their example.

By the best information I have from that country, nearly one half of the people, in the revolted towns, are averse to the proceedings of the majority, who threaten to confiscate their estates, if they do not join with them; and I am very much afraid that the affair will end in the shedding of blood. Justices of the peace have been appointed and sworn into office in those towns, under the pretended authority of said Vermont; and persons sent to represent them there. I must not omit to let you know, that Col. Timothy Bedel, who has received great sums of money from Congress, and their generals, under pretence of keeping some companies, last winter, and now a regiment, for the defence of that northern frontier, or to be in readiness for marching into Canada, (though very little service has been done, as I am informed) by influence of the money and his command, has occasioned a great share in the disorders in those towns. 'Tis wished by the more sober, solid people in that quarter, he could be removed for some other command, if he must be kept in pay and employed.

I am directed to desire you, on the receipt of this, to advise with some of the members of Congress on this affair, and proceed, as you may judge expedient; and, after advising as aforesaid, to endeavor to obtain aid of congress, if you think they can, with propriety, take up the matter. Indeed, unless congress interfere, (whose admonitions, I believe, will be obeyed) I know not what consequences will follow. It is very probable the sword will decide it, as the minority, in those towns, are claiming

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[1] A continuation of Belknap's account of the second union of New Hampshire towns with Vermont, is reserved for future publication with other documents on that subject.

protection from this state, and they think themselves bound, by every tie, to afford it; and you know that every condescending measure has been used from the beginning of the schism, and rejected.

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*From President* WEARE *to Governor* CHITTENDEN.

SIR, EXETER, AUGUST 22, 1778.

Although I have had information that the people, settled on the New Hampshire grants, (so called) west of Connecticut river, had formed a plan for their future government, and elected you their first magistrate; yet, as they have not yet been admitted into the confederacy of the United States, as a separate, distinct body, I have omitted to address you, in your magistratical style, and not out of disrespect to you, or the people over whom you preside; which, in these circumstances, I doubt not, your candour will excuse, and that you will attend to the important subject of this address.

A paper has been laid before the general assembly, attested by Thomas Chandler, jun. as secretary of the state of Vermont, dated June 11, 1778, purporting a resolution of the general assembly of the state of Vermont, to receive into union with said state, sixteen towns on the east side of Connecticut river; and leave, or rather an invitation, to any towns, contiguous to those sixteen, to enter into the same union.

On which I am directed to represent to you, and to desire it may be laid before the representatives of your people, the intimation in said resolve, that the said sixteen towns 'are not connected with any state, with respect to their internal police,' is an idle phantom, a mere chimera, without the least shadow of reason for its support.

The town of Boston, in Massachusetts, or Hartford, in Connecticut, (if disposed) might, as rationally, evince their being unconnected with their respective states, as those sixteen towns their not being connected with New-Hampshire.

Were not those towns settled and cultivated, under the grant of the governor of New-Hampshire? Are they not within the lines thereof, as settled by the King of Great-Britain, prior to the present æra? Is there any ascertaining the boundaries between any of the United States of America, but by the lines formerly established by the authority of Great Britain? I am sure there is not. Did not the most of those towns send delegates to the convention of this state, in the year 1775? Have they not, from the commencement of the present war, applied to the state of New-Hampshire, for assistance and protection? It is well known, they did – and that New-Hampshire, at their own expence, hath supplied them with arms, ammunition, &c. to a very great amount, as well as paid soldiers for their particular defence; and all at their request, as members of this state—Whence then, could this new doctrine, that they were not connected with us, originate? I earnestly desire that this matter may be seriously attended to; and I am persuaded the tendency thereof, will be to anarchy and confusion.

When I consider the circumstances of the people, west of Connecticut river, the difficulties they encountered in their first settlement, their late endeavours to organize government among themselves, and the uncertainty of their being admitted, as a separate state, into the confederacy of the United States, I am astonished that they should supply their enemies with arguments against them, by their connecting themselves with people, whose circumstances are wholly different from their own, and who are actually members of the state of New-Hampshire.—A considerable number of the inhabitants of those sixteen towns (I am well informed) are entirely averse to a disunion with the state of New-Hamp-

shire, and are about to apply to this state for protection ; indeed, some have already applied. And are not the people of this state under every obligation, civil and sacred, to grant their brethren the needed defence ?

I beseech you, Sir, for the sake of the people you preside over, and the said people, for the sake of their future peace and tranquility, to relinquish every connection, as a political body, with the towns on the east side of Connecticut river, who are members of the state of New Hampshire, entitled to the same privileges as the other people of said state, from which there has never been any attempt to restrict them.

I am, Sir, with due respect,

Your obedient humble servant,

MESHECH WEARE,

*President of the Council of state of N. H.*

Hon. THOMAS CHITTENDEN, Esq.

On the receipt of this letter, Governor Chittenden convened the Council; and Gen. Ethan Allen was requested to repair to Philadelphia, to ascertain, in what light the proceedings of Vermont were viewed by Congress.

On his return, Gen. Allen made the following report:

"To his Excellency the Governor, the Honourable the Council, and to the Representatives of the freemen of the State of Vermont, in General Assembly, met.*

GENTLEMEN,

The subscriber hereto, begs leave to make the following report, viz.

By the desire of his Excellency, and at the request of several of the Members of the honourable the Council, to me made in September last, I have taken a journey to Philadelphia, in order to gain knowledge how the political situation of the state of Vermont stood, in the view of Congress; which I here exhibit.

On the 16th day of September last, I am informed by members of congress, that the delegates from the state of New-Hampshire exhibited to congress a remonstrance (which they had, previously, received from the council and assembly of said state) against the proceedings of the state of Vermont, with respect to their taking into union a number of towns, on the east side of Connecticut river, and in their inviting other towns to revolt from New-Hampshire; a copy of which I, herewith, exhibit: a matter which, they alledge, was incompatible with the right of New-Hampshire, and an infringement on the confederacy of the United States of America; and, therefore, desired the congress to take the matter under consideration, and grant some order thereon, to prevent the effusion of blood, and the confusion and disorders which would, otherwise, inevitably ensue.

The delegates from New-York, at the same time, exhibited to congress sundry papers, containing allegations against the state of Vermont, which, after some alterations, were admitted; and it was agreed that the same, together with the remonstrance from the state of New-Hampshire, should be taken under consideration, on the afternoon of the 18th, by a committee of the whole house: at which time it was moved to be brought forward, but urgent business occasioned its being deferred to the 19th; at which time I arrived at Philadelphia, and being, immediately, informed of the business by some of the members of congress, I used my influence against its being hastily determined ex parte; and particularly objected to the complaints from the states of New-Hampshire and New-

* At this session of the Legislature, representatives from ten of the sixteen towns on the east side of Connecticut river, took their seats in the General Assembly.— *Williams.*

York, their being both considered at the same time, alledging that they were of a very different nature. And, in consequence of this, together with my earnest request and application, I obtained assurance that the matter should not be brought to a decision, before I could have an opportunity to lay the matter before this people; as I had, previously, let the members of congress know, that the assembly of this state was to sit at this time; and I engaged to transmit the proceedings of this assembly to congress, as soon as they transpired, at their request.

The allegations, thrown by New-York, received a most severe shock on the perusal of my late pamphlet in answer to his Excellency Governor Clinton's proclamation, dated in February last, containing certain overtures to the inhabitants of this state; as well as from my large treatise on the nature and merit of the New-York claim, and their treatment to the inhabitants of this now state of Vermont. In fine, the New-York complaints will never prove of sufficient force in congress, to prevent the establishment of this state. But, from what I have heard and seen of the disapprobation, at congress, of the union with sundry towns, east of Connecticut river, I am sufficiently authorised to offer it as my opinion that, except this state recede from such union, immediately, the whole power of the confederacy of the United States of America will join to annihilate the state of Vermont, and to vindicate the right of New-Hampshire, and to maintain, inviolate, the articles of confederation, which guarantee to each State their privileges and immunities.

Thus, gentlemen, I have given you a short representation of the political situation of this state, as it now stands in the general congress of the United-States of America, upon which I stake my honour.

*Given under my hand, at Windsor, this* 10*th day of Oct. A. D.* 1778.

ETHAN ALLEN."

Immediately after the foregoing report was made, the Legislature of Vermont took up the subject of the union; and the following proceedings were had thereon.

STATE OF VERMONT, } *In General Assembly, at Windsor, Tuesday. Oct.* 13, 1778.

*Resolved*, That this assembly now join his Excellency the Governor, and the honourable council, in the committee of the whole; to take into consideration the matters contained in the letter of the 22d of August last, from the honourable Meshech Weare, Esq. President of the Council of New-Hampshire to his Excellency Governor Chittenden; and every matter which may relate to the subject therein contained; and that they report, thereon, to this assembly.

STATE OF VERMONT, } *Windsor, October* 13*th, A. D.* 1778.

In a committee of the Governor, Lieutenant-Governor, Council and Representatives of the general assembly of said state; to take into consideration the matters contained in a letter of the 22d of August last, from the honourable Meshech Weare, Esq. President of the Council of New-Hampshire, to his Excellency Governor Chittenden; and every matter, which may relate to the subject therein contained.

His Excellency THOMAS CHITTENDEN, Esq. in the Chair.

BEZALEEL WOODWARD, Esq. Clerk.

Sundry papers were laid before the committee, *viz.*

A letter from President Weare to Governor Chittenden, dated August 22d last.

Answer from Governor Chittenden to President Weare, dated Sept. 3d.

Copy of a letter from President Weare, in behalf of the council and assembly of New Hampshire, to their members at the Continental Congress, dated August 19th, 1778.

Report of Col. Ethan Allen, from members of congress of the 10th inst.

Protest from Hinsdale, Brattleborough, &c. dated April 15th.

And a copy of a letter from Governor Clinton to Pelatiah Fitch, Esq. dated July 7th, 1778.

A verbal representation was also made by Col. Ethan Allen of the situation of affairs relative to this state, at the honorable Continental Congress:[1] after which, the matters, relative to the union of sundry towns, east of Connecticut river, with this state, were largely discussed.

Committee then adjourned till to-morrow morning, eight o'clock: and continued, by various adjournments, to the 16th.

*October 16th.*—Committee met, according to adjournment—when the following question was put, *viz.*

Whether this committee will enter on such measures as may, in their opinion, have a tendency to support the union with the towns, east of Connecticut river? which was voted in the affirmative.

Committee adjourned till to-morrow morning, eight o'clock.

*October 17th.*—Committee met, according to adjournment: at which time his Excellency Governor Chittenden, his honor Lieutenant-Governor Marsh, Col. Elisha Payne, the honorable Jonas Fay and Bezaleel Woodward, Esq. were appointed a committee to draw the out-lines of a plan to be pursued, for the further establishment of the state, and to lay a foundation for an answer to President Weare's letter to Governor Chittenden.

Committee adjourned till Monday next, two o'clock, P. M.

*Monday, October 19th.*—Committee met, according to adjournment.

The committee, appointed on the 17th instant, made their report, as on file; which was repeatedly read, and approved. And thereupon

VOTED, That this committee, having taken into their consideration the matters contained in the letter from the honorable Meshech Weare, Esq. President of the Council of New-Hampshire, to his Excellency Governor Chittenden, &c. agree to report to the general assembly the measures proposed by their sub-committee, as having, in their opinion, the most effectual tendency for the further establishment of this state.—Which were reported accordingly: and are as follows, *viz.*

STATE OF VERMONT, *Windsor, October 19th, A. D.* 1778.

To the committee, consisting of the Governor, Deputy Governor, Council and House of Representatives.

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[1] In the *Rural Magazine*, by Dr. WILLIAMS, p. 518, is the following account of the verbal statements of ETHAN ALLEN:

The colonel, in addition to his written report, publicly declared before a committee of both houses, when the matters were under consideration, that the President of Congress, in private conversation with him when at Philadelphia, told him, that in case the union with those towns on the east side of the river was dissolved, he had no objection to the grants on the west side being a State. And the following question being put to him, [Allen,] in the same public manner, by one of the members of the assembly, viz. "Did not the New-Hampshire delegates at Congress, when you was at Philadelphia, agree with you, that in case you would get the union with the towns on the east side of the river dissolved, they would assist you in disputing New-York?" To which he answered, "*Yes, they did, upon honour.*"

Your committee, appointed to draw the out-lines of a plan to be pursued for the establishment of the state, beg leave to propose as follows, *viz.*

*First.* That a declaration be drawn up, setting forth the political state of the grants, on both sides of Connecticut river, from the time of their being granted—*viz.* that the grants were taken as being under jurisdiction of the government of New-Hampshire; where the grantees expected to have remained:—that the King of Great-Britain, under the influence of false and ex-parte representation, passed a decree in Council, A. D. 1764, that part of the grants should be under the control of the government of New-York:—that said decree was, in its nature, void, from the beginning, on account of the undue influence, under which it was obtained: and that the whole of said grants were, consequently, *of right*, under the same jurisdiction, as before said decree took place—but the Governor of New-Hampshire, not exercising jurisdiction over those, west of the river, they remained, *part* under the jurisdiction of the government of New York, but the *greater part* in opposition thereto, till near the time of the declaration of independence of the United States, by which the whole of the grants became unconnected with any state; and had an opportunity to assert, and enter on, measures to support their just rights, and were at liberty to unite together, or with any other state, which might agree to receive them. In this situation, the inhabitants on the grants, west of the river, (already determined, by the cruel treatment they received from New-York, not to be under the control of that state,) entered on measures for establishing government among themselves; and a considerable number of towns on the grants, east of the river, after various ineffectual endeavors to unite with New-Hampshire, on such principles as they esteemed just and equitable, united with the grants, west of the river, on the plan of government, which they had adopted; and with them have solemnly covenanted to support each other in said government. And as, by their situation and agreement, in manners, habits, &c. they conceive they are called upon, and warranted, to set up and maintain civil government in a distinct state; and as those grants ought not to be divided between New-York and New-Hampshire, or any other way, merely to serve interested views; they are unanimously determined, in every prudent and lawful way, to maintain and support, entire, the state as it now stands.

*Second.* That proposals be made to New-Hampshire, that those towns only, which lie west of the *Mason claim*, and which shall accede to a union with this state, agreeable to a resolve of assembly at their session, at Bennington, the eleventh day of June last, be admitted to a union with this state. And, in case New-Hampshire shall not agree thereto, or to some line that shall be agreed on, as an equivilent, that they agree to a submission of all matters of complaint and dispute in the premises, to congress, for a decision; the grants being allowed equal privileges as the state of New-Hampshire, in supporting their cause—or that they submit the matter to any court, that may be agreed on, and constituted by the parties, for a decision; saving to themselves, in the trial, all right, privilege and advantage, which they had, or might have, by any former grant, jurisdiction, power and privilege, on account of any former situation or connection with any province or state, heretofore had; and notwithstanding any subsequent transactions.

*Third.* That a committee be appointed to draw these proposals at large, and report them to this assembly; that they may be transmitted to the council and assembly of New-Hampshire, desiring their answer; and that copies thereof be transmitted to congress, and to other states

for their information, and for the vindication of our conduct; also to all the towns on the said grants.

*Fourth.* That the general assembly proceed to erect courts, and enact laws and regulations for the support of government; as far as the circumstances of the state will admit.

*By order*, THOMAS CHITTENDEN, *Chairman.*

The joint committee, then, dissolved.

*Attest*, BEZALEEL WOODWARD, *Clerk.*

*In General Assembly, Monday, October 19th.*

The joint committee of Governor, Lieutenant-Governor, Council and Assembly, made their report, as before mentioned, and the consideration thereof, was deferred till to-morrow.

*Tuesday, October 20th.*

The report of the joint committee of Governor, Lieutenant-Governor, Council and Representatives, made yesterday to this assembly, was read, and approved; and thereupon,

*Resolved*, That the first and second articles, in the report of measures proposed by the joint committee, be transmitted to the President of the honorable Continental Congress, and to the President of the Council of New-Hampshire, with proper letters accompanying them.

*Resolved*, That Col. Payne, Mr. Jones and Mr. Woodward, be a committee, to join a committee from the council, to make a draft of the above mentioned letters, to be laid before this assembly.

*Resolved*, That a committee be chosen, by ballot, to draw up the proposed declaration at large, to be laid before this assembly.

Chose Col. Allen, Col. Payne, Dr. Fay, Mr. Woodward and General Bayley, a committee for the above mentioned purpose.

*Resolved*, That the two first articles, in the report of measures proposed to be pursued, for the establishment of the state, be printed in hand bills, and transmitted to all the towns on the New-Hampshire grants.

*Resolved*, That Mr. Nathaniel Robinson, Col. Payne, Mr. Woodward, Capt. John Fassett, jun. Mr. Post, Capt. Throop, Capt. Ebenezer Curtiss, Maj. Bayley and Mr. Wells, be a committee, to join a committee from the council to draw a bill to be laid before this assembly, for dividing the state into four counties.

*Wednesday, October 21st.*

The following questions were proposed, and answered, as herein stated.

*Question 1st.* Whether the counties, in this state, shall remain as they were established by this assembly, at their sessions in March last?

| *Yeas* 35, *viz.* | *Nays* 26, *viz.* |
|---|---|
| Capt Noble, | Col. Walbridge, |
| Capt. John Fassett, | Mr. Jackson, |
| Mr. Millington, | Mr. Alvord, |
| Capt. John Fassett, jun. | Mr. Aiken, |
| Mr. Thomas, | Mr. Tilden, |
| Mr. Bradley, | Mr. Bartholomew, |
| Capt. Gideon Ormsbee, | Mr. Smith, |
| Mr. Powell, | Mr. Benjamin Baldwin, |
| Capt. Underhill, | Mr. Nutting, |
| Mr. Moses Robinson, | Mr. Foster, |
| Mr. Adams, | Mr. Estabrook, |
| Mr. Rowley, | Capt. Wheatley, |
| Mr. Ward, | Capt. Turner, |
| Mr. Lewis, | Mr. Freeman, |
| Mr. Post, | Capt. Woodward, |
| Mr. Belknap, | Mr. Thomas Baldwin, |

Capt. Jonathan Fassett,
Capt. Powers,
Mr. Foot,
Capt. Starr,
Mr. Wells,
Mr. Hamilton,
Capt. Knight,
Col. Fletcher,
Mr. Nathaniel Robinson,
Mr. Webb,
Mr. Scott,
Capt. E. Curtiss,
Mr. Gallup,
Capt. Williams,
Capt. Throop,
Capt. Hodges,
Mr. Harris,
Mr. Miles,
Mr. Cooper.
Col. Payne,
Mr. Chandler,
Maj. Bayley,
Capt Young,
Mr. Curtiss,
Capt. Hatch,
Mr. Parkhurst,
Mr. Harvey,
Maj. Chandler,
Mr. Woodward.

The following reasons were assigned by those on the negative of the foregoing question, and inserted by their desire, *viz.*

We, whose names are hereunto annexed, being entered as nays, on the foregoing question, hereby assign our reasons for thus voting:

*First.* Because the whole State of Vermont was, (by the establishment referred to in the question) in March last, divided into two counties only; which was previous to the union of the towns, east of Connecticut river, with this state; and, consequently, they never have been annexed to any county in the state; and, therefore, will thereby, be put out of any protection or privileges of said state; which we conceive to be inconsistent with the 6th section of the bill of rights, established as part of the Constitution.

*Second.* Because the affirmative of the question is in direct opposition to the report of the committee of both houses (of the 19th inst.) on the subject; which was confirmed by a resolve of Assembly yesterday; as may appear by the report of said committee, and resolves of the house thereon; reference thereto, being had.

Elisha Payne,
Stephen Tilden,
Bela Turner,
Thomas Baldwin,
Benjamin Baldwin,
Abraham Jackson,
Tim. Bartholomew,
Abner Chandler,
Bezaleel Woodward,
John Wheatley,
Jonathan Freeman,
John Young,
Abel Curtiss,
Ebenezer Walbridge,
John Nutting,
Frederic Smith,
James Bayley,
Alexander Harvey,
David Woodward,
Edward Aiken,
Nehemiah Estabrook,
Joseph Hatch,
Joseph Parkhurst,
Reuben Foster.

*Question* 2*d.* Whether the towns, east of Connecticut river, included in the union with this state, shall be included in the county of Cumberland?

*Question* 3*d.* Whether the towns on the east side of Connecticut river, who are included, by union, within this state, shall be erected into a distinct county by themselves?

*Yeas* 28, *viz.*

Col. Walbridge,
Mr. Jackson,
Mr. Alvord,
Mr. Aiken,

*Nays* 33, *viz.*

Capt. Noble,
Capt. John Fassett,
Mr. Millington,
Capt. John Fassett, jun.

Mr. Tilden,
Mr. Parkhurst,
Mr. Bartholomew,
Mr. Smith,
Mr. Benjamin Baldwin,
Mr. Nutting,
Mr. Foster,
Mr. Estabrook,
Capt. Wheatley,
Capt. Turner,
Mr. Lewis,
Mr. Freeman,
Capt. Woodward,
Mr. Thomas Baldwin,
Capt. Young,
Mr. Abel Curtiss,
Capt. Hatch,
Col. Payne,
Mr. Harvey,
Mr. Chandler,
Mr. Woodward,
Maj. Bayley,
Col. Morey,
Capt. Ormsbee,
Mr. Thomas,
Mr. Bradley,
Capt. G. Ormsbee,
Mr. Powell,
Capt. Underhill,
Mr. Rowley,
Mr. Moses Robinson,
Mr. Adams,
Mr. Belknap,
Mr. Ward,
Mr. Post,
Capt. Jonathan Fassett,
Capt. Powers,
Mr. Foot,
Capt. Starr,
Mr. Wells,
Mr. Hamilton,
Capt. Knight,
Col. Fletcher,
Mr. N. Robinson,
Mr. Webb.
Mr. Scott,
Capt. E. Curtiss,
Capt. Williams,
Capt. Throop,
Capt. Hodges,
Mr. Harris,
Mr. Miles,
Mr. Cooper.

We, whose names are under written, were on the affirmative of the two last foregoing questions, because, the negative being passed, the towns on the east side of Connecticut river, who are included, by union, with this state, are thereby effectually debared from all benefit, protection and security of the commonwealth of *Vermont*, in violation of the sixth article in the bill of rights, which is established as part of the constitution of said state; and in violation of the public faith of said state, pledged by their general assembly, at Bennington, June 11th, 1778; and also a resolve of this assembly passed yesterday, whereby the towns, east of the river, which were received into union with said state, were entitled to all the privileges and immunities, vested in any town in said state; as by said resolutions may appear, reference thereto being had.

Elisha Payne,
Stephen Tilden,
Bela Turner,
Thomas Baldwin,
Benjamin Baldwin,
Abraham Jackson,
John Nutting,
Abner Chandler,
Abner Lewis,
Bezaleel Woodward,
John Wheatley,
Jonathan Freeman,
John Young,
Abel Curtiss,
Ebenezer Walbridge,
Joseph Parkhurst,
Ichabod Ormsbee,
James Bayley,
Alexander Harvey,
David Woodward,
Edward Aiken,
Nehemiah Estabrook,
Joseph Hatch,
Israel Morey,
Elijah Alvord.

*Resolved*, That the following matters be printed, for the perusal of the several towns represented in this assembly, *viz.*

A list of the names of representatives, who have attended this assembly, with their towns annexed.

The resolution of the house by which the joint committee was formed.

The report of the joint committee on the 19th inst.
The proceedings of assembly thereon, yesterday.
The resolution passed yesterday, respecting division of counties.
And the whole of the proceedings of Assembly, passed this day, together with the reasons annexed by dissentients.

*Extracted from the Journals and compared.*
By BEZALEEL WOODWARD, *Clerk.*

*Protest of thirty-seven Members of the General Assembly, representing New Hampshire towns, and towns in eastern Vermont.*

STATE OF VERMONT, *ss.* } *Windsor, October 22d, A. D.* 1778.

We, whose names are under written, members of the Council and general assembly of said state, beg leave to lay before the assembly the following, as our protest and declaration against their proceedings on Wednesday the twenty-first inst. in passing the three following votes or resolutions, *viz.*

*First.* "That the counties, in this state, shall remain as they were established by the Assembly of this state in March last."

*Second.* "That the towns on the east side of the river, included in the union with this state, shall not be included in the county of Cumberland."

*Third.* "That the towns, on the east side of the river, shall not be erected into a distinct county by themselves."

As by said votes on the journals of the house may appear. Which votes are illegal, and in direct violation of the Constitution of this state, and the solemn engagements and public faith pledged by the resolutions of said assembly; as by the following observations will plainly appear, *viz.*

1. That as the towns, on the east side of said river, were never annexed to any county in said state, they are, consequently, by said votes, entirely excluded the liberties, privileges, protection, laws and jurisdiction of said state; all which were granted them by the state, by an act or resolve of assembly, passed at Bennington, in June last, containing the union and confederation of the state and said towns; by which act or resolve of assembly, every town included in the union, received by grant from the then state of Vermont, all the rights, powers and privileges of any other town in said state; which they cannot be deprived of, without their consent; as it is a maxim that *the grantor or grantors cannot reassume their grant, without the surrendry of the grantee or grantees.*

2. That said votes are in direct opposition to a solemn resolution of this assembly, passed the 20th inst. establishing the report of the committee of both houses; in which report the assembly have solemnly covenanted to defend the whole of the state, entire, as it then was, including said towns.

3. That, by the Constitution of the State, especially the sixth article in the bill of rights, government is instituted, or declared to be, a right of every part of the community, and not a part only—Said votes, therefore, are a violation of the Constitution.

4. That, so far as the assembly have power, they have, by said votes, totally destroyed the confederation of the state, by depriving those towns, included in the union, of the exercise of any jurisdiction, power or privilege, granted them in the confederation, by which the towns in the state are combined and held together as one body.

And as no political body can exercise a partial jurisdiction, by virtue of a confederation or agreement of the people to exercise government

over the whole; it is, therefore, either void, or destroys both the confederation and Constitution.

We do, therefore, hereby publicly declare and make known, that we cannot, consistent with our oaths and engagements to the state, (so long as said votes stand and continue in force,) exercise any office or place, either legislative, executive, or judicial, in this state; but look upon ourselves as being thereby discharged from any, and every, former confederation and association with the state.

| | | |
|---|---|---|
| J. Marsh, D. Governor, | Peter Olcott, Assistant,[1] | Thos. Moredock, Assist.[1] |
| Elisha Payne, | Bezaleel Woodward, | James Bayley, |
| Stephen Tilden, | John Wheatley, | Alexander Harvey, |
| Bela Turner, | Jonathan Freeman, | David Woodward, |
| Abner Chandler, | Ichabod Ormsbee, | Elijah Alvord, |
| Benjamin Spaulding, | Reuben Foster, | Frederick Smith, |
| John Nutting, | Joseph Parkhurst, | Israel Morey, |
| Benjamin Baldwin, | Abel Curtiss, | Nehemiah Estabrook, |
| Thomas Baldwin, | John Young, | Joseph Hatch. |

The protesting members immediately withdrew from the Legislature, leaving, in the Assembly, a number barely sufficient to constitute a quorum. This number proceeded to finish the business of the session, and adjourned, on the 24th of October, after having provided, by the following resolution, for ascertaining the sense of the people on the subject of the union.

"*In General Assembly, Windsor, October* 23*d*, 1778.

*Resolved*, That the members of this Assembly lay before their constituents, the situation of the union subsisting between this state and sixteen towns, east of *Connecticut* river; and be instructed how to proceed relative to said union, at the next session of this assembly.

Whereas there are several inhabited towns in this state, that have not been represented in this assembly, according to constitution; and others, whose representatives have withdrawn themselves, and refuse to take a seat in this house:

Therefore, *Resolved*, That the constable or constables of each respective town in this state, that is not fully represented, according to constitution, and of each respective town whose representatives still refuse to take their seats, be, and are hereby directed to warn all the freemen of their respective towns to meet together at some convenient time and place, by them appointed, within such towns, before the next adjourned session of assembly, and make choice of a representative or representatives to attend the assembly, at their adjourned session, to be holden at Bennington, on the second Thursday of February next."

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*Proceedings of the General Assembly of the State of Vermont, at their sessions in October, A. D.* 1778. *Containing an explanatory comment on sundry of their Resolutions, &c. By a Committee of the protesting Members. Addressed to the Freemen and other Inhabitants of said State.*

[Furnished by Hon. JAMES H. PHELPS of West Townshend.]

As a foundation for the propriety of the following remarks, we shall recite the resolution of the General Assembly, passed at Bennington June 11th, 1778, which is as follows, viz.

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[1] Members of Council.

"STATE OF VERMONT, Bennington, *ss.* } *In General Assembly, June* 11*th*, 1778.

"On the representation of a Committee from the New-Hampshire Grants (so called) east of Connecticut River, that the said Grants are not connected with any State with respect to their internal police, and that sixteen Towns in the northwestern[1] part of said Grants have assented to a union with this State, agreeable to Articles mutually proposed by this Assembly and a Committee from the Grants east of said River, as by said Articles on file more fully may appear. Therefore, Voted and Resolved, that the sixteen Towns above referred to—viz. Cornish, Lebanon, Enfield, Dresden, Canaan, Kardigan, Lime, Orford, Piermont, Haverhill, Bath, Lyman, Gunthwaite, Apthorp, Landaff and Morristown, be; and hereby are received into union with this State; and are entitled to all the privileges and immunities vested in any Town within the State"

"Also Voted and Resolved, that any Town on the Grants east of Connecticut River, contiguous to any of the Towns above mentioned, and which has not yet assented to a union with this State, shall be received, on their exhibiting to the Assembly a certificate of a Vote of a major part of the Inhabitants of such Town in favor thereof; or on their appointment, by a major part of the Inhabitants of such Town, of a Member to represent them in the Assembly of this State; and that they shall thereby become entitled to all the rights appertaining to any Town within the State, agreeable to the rules prescribed in the Constitution."

Also the fifth paragraph in the Bill of Rights in the Constitution of this state, viz.

"That all power being originally inherent in, and consequently derived from the people, therefore all Officers of Government, whether legislative or executive, are their trustees and servants, and at all times accountable to them."

Pursuant thereto, we appeal to the good People of this State to interpose with respect to the resolutions and transactions of said Assembly, exhibited in their Journals; and for a better determination would obobserve,

*First.* THAT the number of Members elected to sit in the Assembly in October Instant, was *seventy-four*, of which number there must be *fifty* to make a quorum; as may appear by the ninth Section in the frame of Government in the Constitution; in which it is said—"A *Quorum* of the house of Representatives shall consist of two thirds of the whole number of Members elected."—Under which number there cannot be an Assembly with power to transact any business whatever that shall be legal or binding on the people.

*Second.* BY the sixth Article in the Bill of Rights referred to in the protest annexed to the Journals of said Assembly, it is declared "that Government is and ought to be instituted for the benefit of the whole, and not a part only."

*Third.* IT is to be observed that the Assembly, in passing the three Votes protested against, entirely withdrew all protection from, and wholly deprived the people on the east side of the River, who were included in the union, of the exercise and privileges of Government. As the whole State west of the River, was previous to the union divided into two Counties for the purpose of exercising Government, Therefore all executive and judicial proceedings in the State are and must be transacted by way of Counties and not as a State—Consequently those Towns being excluded from the two Counties, and not erected into a

[1] Eastern.

County by themselves, are totally deprived of the benefit of Government in the State.

*Fourth.* It is to be observed that the remaining part of the Members of the Assembly, which consisted of but *thirty-nine* at most, (after the dissenting members had laid in their protest and withdrawn) resolved, that they would proceed to business—and accordingly proceeded to enact Laws—establish a Supreme Court in the State, &c.,—and still continue to claim and exercise the powers of the Assembly of the State.

*Fifth.* In the eighth Section of the form of Government in the Constitution—after mentioning the powers and authorities of the Assembly, it is said—"but they shall have no power to add to, alter, abolish or infringe any part of the Constitution."

From the Resolutions of the Assembly protested against, and the foregoing remarks, it is evident that they have violated their solemn engagements to and with said united Towns—in that they, by their Charter passed at Bennington, warranted to them *all the privileges and immunities, that any Town in the State had;* and by their unanimous resolve on the 20th instant, *renewed and confirmed* said first Grant or Covenant; all which they have violated by confining the exercise of Government to but part of the State, in direct opposition to said sixth Article in the Bill of Rights—For if they can extend Jurisdiction to but part only, by a parity of reason they may restrict it to a set of men or family.

It is also plain that the act of the *thirty-nine* Members in assuming to themselves the powers and authority of the Assembly of the State (even when they were not two thirds of the Members elected on the west side of the river) is a most daring attempt made on the rights and liberties of the People, secured them by the Constitution—For if a less number than what the Constitution requires to make a quorum can assume the powers of the Assembly, no certain number is necessary—even the least number can act—All Courts, whether legislative or executive, have a quorum fixed by the Constitution by which they are formed—And in a Court consisting of five Judges, when three make a quorum, two only may presume to claim and exercise the powers of the Court, with as much propriety as any numbers of members less than what the Constitution requires, can do it in the Assembly.

The reason of the Constitution's making two thirds of the members elected, necessary to make a quorum, is this—That when two thirds of the members only are present, one person more than one third of the whole, can pass any vote whatever that the whole Assembly could—And the people never intended to rest the important interests and concerns of the whole State, in less hands than one more than a third part of the Representatives.

Thus Gentlemen you see that in less than a Year after the establishment [of] the Constitution of this State, on which all our political rights and liberties depend, flagrant and open attempts are made to violate and destroy it, and set up arbitrary power in direct opposition thereto.—This is justly alarming, and it becomes You (who only have the power in your hands) to call this Assembly to account for their Conduct; to you alone they are amenable; and to you we submit ours and their conduct for your censure or approbation. And we doubt not your jealousy to secure your just rights and privileges, will induce you to take the earliest opportunity to express your sentiments—whether you will justify those who proceeded as an Assembly, after the Dissentients had withdrawn, in open violation of the Constitution; or those who protested and withdrew, and that you will pass your censures and reproofs on those whom you conceive have violated your just rights as declared in the Constitution.

And as the unsettled circumstances and difficult situation of the political state of the whole Grants, call aloud upon us to devise some measures speedily to be pursued, whereby we may all be united and settled in some regular form of civil government—and the conduct of the Assembly as before mentioned, preventing the carrying into execution the plan proposed in the report and resolves of the Assembly on the 20th inst. We do therefore hereby request and desire each and every Town on the Grants on both sides of Connecticut River, whether united with the State of Vermont or not, to take the matters into their serious and wise consideration; and for the amicable agreement and quiet settlement of the whole of the Grants in a regular state of Government, that each Town elect one or more members to meet in their behalf in Convention, at the meeting-House in Cornish on said Grants, on the second Wednesday in December next at ten o'Clock in the morning—to consult and agree upon measures whereby we may all be united together, by being and remaining a distinct State, on such foundation that we may be admitted into Confederacy with the United States of America, and under their protection, &c.,—or (if that cannot be effected by reasonable measures) to claim the antient Jurisdiction of the Government of New-Hampshire; and in that way defend ourselves against the pretended right of Jurisdiction of any other State—And thereby become one entire State according to the extent of New-Hampshire Province, as it stood before the decree in 1764 took place.

*By order of said Committee,*

JOSEPH MARSH, *Chairman.*

Windsor, *October* 23$^{d}$. *A. D.* 1778.

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*Ethan Allen to the President of New Hampshire.*

[From the *Ethan Allen Mss. Papers*, p. 275.]

STATE OF VERMONT. WINDSOR, 23$^{d}$ Octob$^{r}$ 1778.

*Sir*,—In Conformity to my engagement to Colonel Bartlett, one of the Members of Congress from New Hampshire, I am induced to write to your Honor, Respecting a number of Towns to the Eastward of Connecticut River which Inadvertantly by influence of designing men, have Lately been brought into Union with the State of Vermont, which in my Opinion is now entirely disolved. I engaged Col. Bartlett to use my Influence at this Assembly for that Purpose. The Governors [Chittenden's] Letter to your Honor, Together with what Squire [Ira] Allen the Bearer will Communicate, will set this Matter in its True Light.

The Union I ever view'd to be Incompatible with the Right of New Hampshire, and have Punctually Discharged my Obligation to Col. Bartlett for its Disolution, and that Worthy Gentleman on his part assured me, that he had no Directions from the Government of New Hampshire to extend their Claim to the westward of Connecticut River to Interfere with the State of Vermont, and I hope that the Government of New Hampshire will excuse the Imbecility of Vermont, in the matter of the Union. I apprehend Col. Payne [Elisha, of Cardigan and Lebanon, N. H.] had a Principal Influence in it, and it was with Difficulty that this Assembly got rid of him. I am appointed by this Assembly to act as agent for the State of Vermont at Congress, where I shall shortly repare, and Depend that New Hampshire will Accede to the Independency of the State of Vermont as the last Obsticles are Honourably removed.

I am with Due respect Sir your very Humble Serv$^{t}$,

ETHAN ALLEN.

*Hon$^{ble}$ Meshech Weare, Esq.*

*The President of New Hampshire to Ethan Allen.*

[From the *Ethan Allen Mss. Papers*, p. 277.]

STATE OF NEW HAMPSHIRE. EXETER, Novem$^{r}$ 5$^{th}$ 1778.

*Sir*,—I received yours of the 23d ult$^{o}$· by Ira Allen Esq. and at the same time a Letter from Thomas Chittenden Esq. purporting a Resolution of the State of Vermont concerning the late connection of some Towns part of the State of New Hampshire in the following words: "That no additional Exercise of Jurisdictional authority be had (by this State, (Vermont,)) for the time being."[1] Which by no means expresses their future designs or intentions on the matter. Nevertheless as you have been so full and explicit in your own Sentiments, I trust the Body of your people will be of the same Opinion, as I am sure every Sensible person will notwithstanding the blind designs of some uneasy and never to be contented persons, whose views must certainly be more detrimental to you than they possibly can be to New Hampshire. Whatever may be determined by Congress relative to the acknowledgment of your Independency will be fully acquiesced in by New Hampshire.

*Col$^{o}$· Ethan Allen.* M. WEARE.

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*An Account of the Union of sixteen towns on the east side of Connecticut River, with the State of Vermont. By* IRA ALLEN *Esq.*

[From the *Rural Magazine*. vol. 1, pp. 519-20.]

To the Honourable Council and General Assembly of the State of New-Hampshire, now sitting at Exeter, in said State.

*Gentlemen*,—Pursuant to my appointment (by the General Assembly of the State of Vermont) to wait on the Hon. Meschech Weare, Esq., president of the council of the state of New-Hampshire, with a letter from his Excellency Thomas Chittenden, Esq., and as in the said letter, reference was had to me for further particulars, relative to the union of sixteen towns on the east side of Connecticut River with the state of Vermont, and as it has been the desire of the Hon. the General Assembly, that I would give them a short state of facts relative to the said union, &c., I therefore beg leave to state the following, as a short and concise state of the matter, viz.

The first movement to form the state of Vermont was from the west side of the Green-Mountain; in consequence of which, several committees were sent to the then counties of Cumberland and Gloucester, to see if the people there would unite with the people on the west side of the Mountain to make one body politic.

About two years ago, Col. John Wheelock being apprised of that movement, went to the town of Norwich, where one of the said committees were, and proposed to them, for a number of towns on the east side of the river, to unite with those towns on the west side of said

[1] This letter of Governor Chittenden was not entered in the record of the Governor and Council. President Weare seems to have quoted the pith of it. It has already been stated (*ante*, p. 281, note,) that the union had been *indirectly* dissolved on the 21st of October 1778. So Ethan Allen construed the action of the Assembly at that time, while Gov. Chittenden stated it as a *suspension* of the union "for the time being." In fact the formal dissolution did not occur until the 12th of February 1779.

river; but was answered by said committee, that they were not acquainted with the situation of New-Hampshire, therefore they should do nothing about it.[1]

Last March, after the governor and council were declared chosen, and the assembly formed, agreeable to the constitution of said state, there came a committee from the east side of the river, said to be chosen by a convention of [town] committees, whereof Mr. Easterbrooks was chairman, and moved, in behalf of the New-Hampshire grants east of said river, (as they were pleased to style it) for a union with the state of Vermont; in consequence of which, a committee was chosen from both houses to confer with said committee, and make a report of their opinion thereon to the house: The committee, after all the debates thereon, reported to the house as their opinion, not to connect with said committee in any way or manner whatsoever. The house, after mature deliberation, voted to accept of said report; which gave such dissatisfaction to several of the members of the council and assembly, that lived near Connecticut River, that they declared, if them people (meaning those on the east side of the river) were to be entirely excluded from connecting with said state, they would withdraw from the then state of Vermont, and connect with them people, and form a new state: Then, after long and tedious debates, the whole was referred to the people at large, and to be brought before the assembly again at their next session in June. Col. Paine [Col. Elisha Payne, then of Cardigan, N. H.,] and others of that committee, then publicly declared, that they had conversed with a number of the leading members of the assembly of New Hampshire, from the eastern part of the state, who had no objection to their joining with the state of Vermont; but some members in the western part of said state was opposed to it: But gave it as their opinion, that New-Hampshire, as a state, would make no difficulty about it. This last idea was carried to the people; and, under this mistake of the matter, a majority of the towns in the state voted for the union, which the general assembly could do no otherwise than confirm, they being previously instructed to do so by their constituents. The assembly then proceeded to business, amongst which, there was an order given out for each town in the state that saw fit to choose a justice of the peace; and several temporary acts were made, all to stand until the rising of the next assembly.

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[1] Col. JOHN WHEELOCK, son of Eleazer Wheelock, the first president of Dartmouth college, was born at Lebanon, Conn., Jan. 28, 1754; graduated at Dartmouth in 1771; and at the age of twenty-five he succeeded his father as president of that institution. He was a member of the provincial congress in 1774, and of the assembly in 1775. In the spring of 1777 he was commissioned as major of a New York regiment, and in November of the same year as lieutenant-colonel of Bedel's New Hampshire regiment. In 1778 he commanded an expedition against the Indians, and afterward served on the staff of major-general Gates until he was called to the chair of Dartmouth college. He died April 4, 1817. The fact that he was the first to propose an union of western New Hampshire with Vermont, is an important addition to the proofs of the interest of the corporation of Dartmouth college in that matter. They might well regard the location of that institution in the centre of a large state (when compared with either Vermont or New Hampshire,) as an event which would contribute largely to its success.

Some time in the month of August, Gov. Chittenden received a letter from the Hon. Meshech Weare, Esq. president of the council of New Hampshire, shewing the Disapprobation of said State to the union.

Sometime in September, Col. Ethan Allen was appointed to wait on Congress, to see how the political state of the state of Vermont was viewed by Congress; who, after the Assembly was formed in October last, reported to the house, that the members of Congress were unanimously opposed to the union of the sixteen towns, otherwise they had none of them any objection to the state of Vermont's being a state, (the New-York members only excepted.) At the session in October last, several members from the east side of the river, took their seats in consequence of the union before mentioned: Then the assembly proceeded to business; but there appeared such divisions and debates relative to the union, that for about thirteen days there was very little business done; at which time three votes were passed, which gave rise to a dissent being brought into the house the next day, signed by twenty-seven members of the council and assembly, (both the votes and dissent I have delivered to the Hon. Council [of New-Hampshire.]) The general assembly then proceeded to the business of the state, and reviewed some old acts, and made some new; amongst which they ordered one commission to be made for the justices of each county; and all the names of the justices in the county of Cumberland to be put in the commission for that county, and in like manner the county of Bennington.

I was credibly informed by several worthy members of the council and assembly, that the second vote, above referred to in its original, was passed as follows, viz. Whether the towns east of the river, included in the union with this state, shall be annexed to the County of Cumberland;—passed in the negative.[1]

By several flying reports I was informed, that after the above mentioned twenty-seven members withdrew, they formed a convention, chose a chairman and clerk, and then proposed to give an invitation to all the towns on the grants to join them, and form a new state by the name of New-Connecticut; they then adjourned their Convention to some time the next week, to be held at Lebanon. There was about eleven towns on the west side of the river joined in this Convention.

Thus, gentlemen, I have given a short state of the matter; which I do certify, upon honour, is the truth, according to the best of my memory. IRA ALLEN.

*Exeter, Nov. 4th*, 1778.

The excited feeling, said Hon. WILLIAM SLADE, which produced the secession of the protesting members, urged them to measures of a more alarming character. They immediately assembled, and made arrangements for the meeting of a convention; to which they invited all the

[1] The official record is in these words: "Question 2d. Whether the towns east of Connecticut river, included in the union with this state, shall be included in the County of Cumberland;" and the third question was, whether these towns shall be created into a distinct county by themselves. As both questions were negatived, the decision was against the further continuance of the union, and might have been deemed so unqualifiedly but for a subsequent vote referring the question to the people for instructions to their representatives. Hence Gov. Chittenden wrote to President Weare that the decision was adverse to the union "for the time being."

towns, in the vicinity of Connecticut river, to send delegates.* This convention met at Cornish, in the state of New-Hampshire, on the 9th of December, 1778. The only account of their proceedings, which we have been able to find, is contained in the following abstract of their proposals to the state of New-Hampshire.

1. "To agree upon and settle a dividing line between New-Hampshire and the grants, by committees from each party, or otherwise, as they may mutually agree.

Or, 2. That the parties mutually agree in the appointment of a court of commissioners of disinterested, judicious men, of the three other New-England states, to hear and determine the dispute.

Or, 3. That the whole dispute with New-Hampshire be submitted to the decision of Congress, in such way and manner as Congress, in their wisdom, shall prescribe.

*Provided always*, That the grants be allowed equal privileges with the other party, in espousing and conducting their cause.

Or, 4. If the controversy cannot be settled on either of the foregoing articles, and in case we can agree with New-Hampshire upon a plan of government, inclusive of extent of territory, that we unite with them, and become with them one entire state, rejecting the arbitrary line drawn on the western bank of Connecticut river, by the king of Great Britain, in 1764."

The people of Vermont were now fully awake to their danger. The impolicy as well as the injustice of aiding in the dismemberment of New-Hampshire, became too apparent to admit a doubt as to the course proper to be pursued. They were wise enough to retrace their steps, and rid themselves of a connexion which threatened their ruin. Accordingly, on the second day of the following session, the assembly of Vermont dissolved the union; as will appear by the following extract from the journal of their proceedings.[1]

*In General Assembly, February 12th*, 1779.

Resumed the consideration of the union between this state and sixteen towns, east of Connecticut river; when, the instructions of the freemen of this state to their representatives, concerning said union, being examined, it appears that they are instructed to recede from such union. Therefore, *Resolved*, That Mr. Hibbert and Mr. Wells be a committee to join a committee from the council, to prepare a draught relative to dissolving the union between the sixteen towns, before mentioned, and this state; and report thereon to this House.

The committee appointed to prepare a draught relative to dissolving the union with sixteen towns, east of Connecticut river, with this state, brought in the following report, *viz.*

Whereas, in consequence of a representation made to the general assembly of this state, at their session at Windsor, in March 1778, by a committee, consisting of seven persons, inhabiting several towns, lying contiguous to the east side of Connecticut river, that a number of inhabited towns, east of said river, were then unconnected with any state, in regard to their internal police; and, on said committee's application to the general assembly, that the said towns might be admitted into union

[1] Slade's *State Papers.*

*Williams's *History.*

with this state, orders were issued by the assembly to the representatives' constituents, for instructions in the premises :

And whereas, in consequence of such instructions, the representatives of said constituents, when met, at their adjourned session, at Bennington, on the eleventh day of June last, did receive into union with said state, sixteen towns, east of said Connecticut river, and grant leave for other towns to unite, if they should choose :

And whereas, a dispute has arisen, in respect to the right New-Hampshire have to exercise jurisdiction over those sixteen towns, as claimed in a letter to his Excellency Thomas Chittenden, Esq., by Meshech Weare, Esq. President of the Honourable Council of the state of New-Hampshire, dated Aug. 22d, 1778 :

And whereas, the general assembly of this state did, at their session at Windsor, in October last, agree on certain methods (contained in the report of the grand committee of both houses) to settle and adjust the dispute with New-Hampshire ; nevertheless, the measures to be pursued to effect those methods, were rendered impracticable by the members, east of said river, withdrawing themselves from the house, in an unconstitutional manner, and forming a convention, in direct violation of the most solemn oaths and obligations into which they had entered, declaring themselves discharged from any and every former confederation and association with this state :

And whereas, your committee have just grounds to apprehend that the said sixteen towns are, of right, included within the jurisdiction of New-Hampshire ; they are, therefore, of opinion, that the said union ought to be considered as being null, from the beginning.

JONAS FAY, *Chairman of Committee.*

The above draught being read, was accepted, and this house do, thereupon, resolve that the said union be, and is hereby dissolved, and made totally void, null and extinct : and that his Excellency the Governor be, and he is hereby directed to communicate the foregoing draught, and resolve thereon, to the President of the Council of the state of New-Hampshire."

The foregoing report and resolution were presented by IRA ALLEN to the President and Council of New-Hampshire on the 20th of March following.

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*Ethan Allen to the President of New-Hampshire.*

[From the *Ethan Allen Mss. Papers*, p. 279.]

BENNINGTON, March the 4th day 1779.

*Sir*,—The Union which Impolitically was for a Time adhered to by a Majority of this State, and which rec'd its death wound at the session of our General Assembly in October last at Windsor, has at our late session at Bennington, been in the fullest and most Explicit manner Dissolved ; and that without a dissenting vote. And as the Laws of this State are nearly ready for the press, and will soon be promulgated among the People, after which this Government will exert itself to Quiet the Schism on this Side of the River, I hope your Government will vigorously exert their authority to the East Banks of the River, for I consider the Schism on both sides to be Equally against both Governments, and therefore both should join to suppress it. I have this further reason for the Exertion of Government, as I am confident that Argument will be lost with them, for the heads of the Schism at large are a Petulant, Pettefoging, Scribbling sort of Gentry, that will Keep any Government in hot water till they are Thoroughly brought under, by the Exertions of authority.

This matter I submit to your better Judgment, and remain with Due Respects Your Honours Most

Obedient and Humble Servt. ETHAN ALLEN.

*Honble. Meshech Weare, Esq.*

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*An Account of the Proceedings of New-Hampshire. By* IRA ALLEN, *Esq. To the Inhabitants of the State of* VERMONT.

[From the *Rural Magazine*, vol. 1, pp. 571-574.]

*Friends and Fellow Countrymen*,—Pursuant to instructions received from the governor and council of this state, to wait on the honourable the general assembly of the state of New-Hampshire, at their session in March last, I waited on them: and at the request of several gentlemen in this state, I now publish a short and concise account of some matters that concern this state:

I arrived at Exeter on the evening of the 19th of March [1779,] and the next morning delivered the public writings (that were entrusted me by the governor and council of this state,) to the president, and they were read in council; and the president informed me, that General Balley [Gen. Jacob Bayley of Newbury] and Mr. [Davenport] Phelps were to have a hearing before both houses on the afternoon of the 23d, in a matter respecting the Grants on both sides of Connecticut River, when it would be proper for me to attend, and the papers by me exhibited read.

Being favoured with a copy of a petition to that honourable court, by Gen. Balley and Mr. Phelps, I was excited to publish a hand-bill on the 22d, some of which I herewith exhibit. The before named gentlemen not arriving, on the 25th I desired the papers by me delivered the president might be read in the house, which was done, and a Committee appointed to take said papers, and confer with me, and report their opinion thereon. Some members of the house then moved, that said committee might go out that afternoon. I informed the house, that I did not move for those papers to be read to hurry a determination; but that I viewed it of consequence to both governments, and that the honourable house might be possessed of the whole matter, and have time for mature deliberation thereon: And that as Gen. Balley and Mr. Phelps had preferred a petition to the honourable assembly, previous to my arrival, I wished they might have an opportunity to support their petition, as the determination of one case would in some measure determine the other: and that all parties might be satisfied, desired that the determination might be suspended until said gentlemen arrived—which was done.

I shall next insert said petition, which is in these words, viz.

*To the Honourable the President in Council, and the Representatives of the State of New-Hampshire, in General Assembly convened*,—The Subscribers hereto beg leave to represent,

That a large number of charters of incorporation of certain tracts of land, were formerly issued from their Excellencies Benning Wentworth and John Wentworth, Esqrs. in the name of the King of Great-Britain, lying and being west of the Mason grant, and east of a north line, drawn from the north-west corner of the now state of the Massachusetts-Bay, to Lake Champlain, and from thence to the latitude of forty-five degrees. That in the year 1764, the aforesaid King of Great-Britain, in violation of his contract with the grantees, and in an arbitrary manner, passed a decree, that there should be a division of the aforesaid grants between the then Province of New-York and New-Hampshire; to which decree,

the inhabitants of said grants were then, and have, ever since, been averse ; as they were, thereby, deprived of privileges which they, of right, claimed, and in their settlement, reasonably expected, within the jurisdiction of New-Hampshire.—That the inhabitants aforesaid, since the declaration of independence, view themselves at liberty to connect in one body politic, or unite with any other state.—That they are now, in general, desirous of an union with the state of New-Hampshire. That the representatives of the people, in assembly, on the 20th of October last, voted, that a defence of the rights of the people be stated by a committee appointed for that purpose, and that answers to some letters, &c. be drafted by said committee.—Also, that offers be made to the state of New-Hampshire, either to settle a boundary line between said New-Hampshire and the grants, by a committee mutually chosen, or in such way as Congress may point out; or to make an offer of the whole of said grants to New-Hampshire.

That on the 9th day of December last, by a convention of committees delegated by the inhabitants of said grants,* it was voted, that proposals of an union with said New-Hampshire be made to the assembly of said state.

In consequence whereof, we, the subscribers, being duly authorised for that purpose, do now propose to this honourable court, that the whole of said grants be connected and confederated with said state of New-Hampshire, receiving and enjoying equal privileges and immunities with the good people of said state.

*Dated at Newbury, this 17th day of March*, 1779.

JACOB BALLEY,
DAVENPORT PHELPS.

A true copy of the original petition preferred to the general assembly of the state of New-Hampshire, at their session in March, 1779.

(Attest,) NOAH EMERY, *Clk. D.* [*H.*] *R.*

An extract of the Proceedings of the Cornish Convention,[1] [Dec. 9, 1778,] which authorised said Gentlemen to make overtures to New-Hampshire, containing the proposals of said Convention to said State, is as follows, viz.

1. "To agree upon and settle a dividing line between New-Hampshire and the grants, by committees from each party, or otherwise, as they may mutually agree.

Or, 2. That the parties mutually agree in the appointment of a court of commissioners of disinterested, judicious men, of the three other New-England states, to hear and determine the dispute.

Or, 3. That the whole dispute with New-Hampshire be submitted to the decision of Congress, in such way and manner as Congress, in their wisdom, shall prescribe.

*Provided always*, That the grants be allowed equal privileges with the other party, in espousing and conducting their cause.

Or, 4. If the controversy cannot be settled on either of the foregoing articles, and in case we can agree with New-Hampshire upon the plan of government, inclusive of extent of territory, that we unite with them, and become with them one entire state, rejecting the arbitrary line drawn on the western bank of Connecticut river, by the King of Great-Britain, in 1764."

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[1] Called by the Protesting Members of the Vermont General Assembly.

* There were but eight towns in Vermont, represented in this convention.—*Williams.*

The reader is now invited to take a retrospective view of said petition and extract, and candidly determine for himself, how near said petition comports with the directions from said convention.

It is to be observed, that there were but eight towns on the west side of Connecticut river represented in said convention; yet Gen. Balley* had the audacity to declare in said petition, that they were duly authorized by the inhabitants of said Grants, to make such an overture to New-Hampshire, and that said inhabitants were in general desirous of an union with said state.

But to return to the assembly of New-Hampshire. Gen. Balley and Mr. Phelps arrived in town the evening of the 29th, and on the 30th had a hearing before both houses, and the papers which I had before delivered the president were read; and it was moved, that a committee should be appointed from both houses, to take up the whole matter; and the council withdrew. The house proceeded to choose a committee, which was joined by the Hon. Board, and the parties were notified to attend.

The committee reported to the house (in the forenoon of the 2d of April) for the assembly of New-Hampshire to lay a claim to the whole of the Grants, on this principle, viz. Not to hinder the state of Vermont from being established as a state by Congress, but rather to help the inhabitants, in case the Yorkers should hinder said state from being established by Congress; and that New-Hampshire should exercise jurisdiction to the west bank of Connecticut River. After a small debate on the report, one of the members of the house desired to know whether said report was agreeable to me or not. I then informed the hon. house, that it was by no means agreeable to me,—and the consideration of the report was laid over until afternoon, when the house resumed consideration of said report. Mr. Phelps spoke in favour of said report, and I spoke largely against it: in which I observed, That I did not doubt of the good disposition of New-Hampshire towards Vermont—that it was near fifteen years since New-Hampshire had laid any claim to the Grants west of Connecticut River: during which time, the inhabitants had suffered all the evils that a Colden, Dunmore, Tryon, and a Clinton, together with a clan of New-York land-jobbers could invent and inflict; but that a glorious spirit of freedom stimulated the Green-Mountain Boys (in former days) to draw and wield their swords in defence of their persons and properties—that they had hitherto baffled all their diabolical machinations against them—that the state of Vermont had nothing of consequence to fear from New-York—that it had been the wisdom of the assembly of said state, to appoint three agents to wait on Congress as often as the nature of the case might require, who would be able to give seasonable information, should any difficulty arise at Congress. That I was apprehensive that such a claim (although it seemed well meant) would tend to make, or rather continue some internal broils in the state of Vermont; and therefore wished said claim might be suspended to some future day. And the consideration of said report was laid over to the next session of said assembly.

Since my arrival from New-Hampshire, have been informed that remonstrances against this state were signed and signing in a few towns, by the instigation of some of the protesting members of the late council and assembly of this state, in order to be preferred to the grand council of America—that a number (nearly similar to the others) have been lately printed for that purpose, one of which I have before me, in which I observe several gross mistakes ; but shall not take notice of any

* Ira Allen's note : I omit Mr. Phelps' name, as he is an inhabitant on the east side of Connecticut River.

but what are contained in the fourth paragraph of said remonstrance, which is in these words, viz.

4. That they have, contrary to the resolve of Congress, proceeded to confiscate many and large estates belonging to persons called Tories, and have disposed of them accordingly, and the avails appropriated to many frivolous and unnecessary purposes, without depositing any part thereof in the continental loan-offices.

Whether it be right or wrong to confiscate the estates of Tories, I do not take upon me at this time to determine ; but have to observe, that those very gentlemen were active with the other members of the council and assembly, in forming a court of confiscation, and confiscating the estates of Tories, and have assisted in disposing of the avails of such estates. As the money had passed through my hands, shall give some account of it. A very considerable part of it has been paid to the brave officers and soldiers who have served in the defence of this and the United States—and I have now in my office, upwards of sixteen thousand dollars in Continental loan-office notes.

I am well informed, that several of the members of the grand council of America, do not hesitate to give it as their opinions, that the state of Vermont, of right, ought to be a state ; and that in due time it will be established as such.

I am, friends and countrymen, your most obedient humble servant,

*Norwich, April 19th* 1779. IRA ALLEN.

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*Claim of New-Hampshire to the whole territory of Vermont.*

[From the *Rural Magazine*, vol. 1, pp. 574–5.]

STATE OF NEW-HAMPSHIRE.

In the House of Representatives, April 2d, 1779.

The committee on the petition of Gen. Balley and Mr. Phelps, relating to the New-Hampshire Grants, so called, reported, that this state should lay claim to the jurisdiction of the whole of the New-Hampshire Grants, so called, lying to the westward of Connecticut River, setting forth the right this state has to the same : allowing and conceding nevertheless, that if the honourable Continental Congress shall allow the said Grants to the westward of Connecticut River to be a separate state, as now desired by some of the inhabitants thereof, by the name of Vermont, that in such case this state of New-Hampshire will acquiesce therein. And that this state shall exercise jurisdiction as far west as the western bank of Connecticut River, and no further, until the dispute is settled by Congress.

By order of the major part of the committee,

(Signed) JOSIAH BARTLETT, *Ch.*

Which report being read and considered—voted, That it lie for further consideration until the next session of the general assembly of this state.

Sent up for concurrence, JOHN LANGDON, *Speaker.*

In Council, the same day, read and and concurred.

E. THOMPSON, *Sec'y.*

STATE OF NEW-HAMPSHIRE.

In the House of Representatives, June 24, 1779.

The house, by vote, took under consideration the report of the committee of the second day of April last, which was at that session voted to lie for consideration until this session, relative to the New-Hampshire

Grants, &c. And the question being put, Whether the report of the said committee be received and accepted, or not?—It passed in the affirmative.

Sent up for concurrence. JOHN LANGDON, *Speaker.*

In Council, the 25th of June, 1779, read and concurred.

E. THOMPSON, *Sec'y.*

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## TO THE INHABITANTS OF THE STATE OF VERMONT.

### [BY IRA ALLEN.]

[Furnished by Hon. JAMES H. PHELPS of West Townshend.]

FRIENDS AND FELLOW-CITIZENS,—Pursuant to appointment by the Legislature and Instructions from the Governor and Council of this State, I waited on the General Court of New Hampshire, at their Sessions in June last, and delivered the public Writings intrusted me by the Governor of this State, to the President, which were read in Council, and sent to the House for their Inspection: The House, after reading and considering the same, resolved into a Committee, to take into consideration the whole Matter respecting Vermont, which was concurred in by the Hon. Board; and Thursday the 24th of June, the Committee met in the Assembly Chamber, and the Resolves of Congress of the 1st and 2nd of June, respecting the Premises, and several other Papers were read; among which was the Appointment of Col. *Peter Olcott*, and *Beza Woodward*, Esq; impowering them as a Committee from the Committee of the *Cornish* Convention, to use their Influence with the General Court of *New Hampshire*, to extend their Claim and Jurisdiction over the whole of the *New Hampshire* Grants. A Question was put to said Committee, by a Member of the House, *How many Towns were represented in said Cornish Convention, on the West Side of Connecticut River?* Answer, *About twenty-two in the Whole, and about Half of them west of said River.* Said Committee then proceeded to exhibit the Returns made on a Hand-Bill formed by the Committee of the *Cornish* Convention, on the 23d of April last, and sent to the several Towns in this State, for the express Purpose of getting the numbers of the Inhabitants that were willing *New Hampshire* should extend their Claim and Jurisdiction over the whole of the Grants—their Returns were sixty-five Persons. They also alledged, that they had mislaid or lost the Returns from one Town, in which there were one hundred and twenty Families and but four Persons acted in Opposition to connecting with *New Hampshire:* That the Reason why more Persons had not acted on said Hand-Bill, was, that they had not circulated thro' the Grants, by Reason of their falling into the Hands of the New Statesmen, who secreted or burnt them:—That for eighty Miles up and down Connecticut River, there were but two Members attended the Assembly of *Vermont:*—That so far as they had been able to collect the Sentiments of the People, they were very generally on the east Side of the Green Mountain, and a Number on the west Side said Mountain, for connecting with *New Hampshire;* then referring to the Members of the House who lived contiguous to Connecticut River, to inform what they knew respecting the matter; Judge *Marsh* then arose, and with a Degree of Warmth asserted, that to his certain Knowledge, two thirds of the Inhabitants of the Grants west of the River, would hold up both Hands to connect with New Hampshire. A few more of the Members of the House, in Conversation with the other Members, had endeavored to insinuate Tenets nearly similar. I then proceeded to make my Defence; in which I ob-

served, That it was strange those Gentlemen were at a Loss to determine how many Towns were represented in the *Cornish* Convention, as one was the Clerk, and both members of the same : - That there were but eight Towns west of the River represented in said Convention :—That the Town said Committee had Reference to as having one hundred and twenty Families, was the Town of *Norwich*, in which Col. *Olcott* lived :—That I was informed by several respectable Gentlemen of that Vicinity, that all due Pains were taken to convene the legal Voters on Town Meeting Day :—some refused to attend, as they would not act against the State of *Vermont ;* others were tired of Town Meetings, and neglected to attend ; in all, thirty-one Persons met, twenty-seven for *New Hampshire*, and four for *Vermont :*—That I had as good, if not a better Right, to count those who did not attend the Meeting for *Vermont*, as they for *New Hampshire :*—That said Hand-Bills had been sent into the County of Bennington, in several Places; and that the People there did not take so much Notice of them, as to secrete or burn them :—That I was knowing to said Hand-Bills circulating thro' a very considerable Part of *Cumberland* County :—That in several Towns where they had Town Meetings on other Business, said Hand-Bills were read, and the Towns unanimously voted to have nothing to do with them : in other Towns the select-Men said, they knew nothing of "J. Marsh, Chairman ;" and if they called a Town-Meeting at his Request, by the same Rule they might have a Town Meeting every Day, if any Gentleman desired it ; therefore they would have nothing to do with it :—That by this open and public Trial, they had proved that Gen. *Bailey*, at least, was mistaken when he asserted in his Petition (preferred to the General Assembly of *New Hampshire*, at their Sessions in March last) That the Inhabitants of the Grants were in General, desirous of an Union with *New Hampshire :*—That the eighty Miles mentioned by said Committee, where there were but two Members attended the Assembly of *Vermont*, was true ;—but Part of that Distance was Woods, consequently no Member could from thence attend ; and some of the other Part was thinly settled, and several Towns joined to choose one Member ; but in that Distance, and for more that eighty Miles more down the River, thro' a settled Country, there were but four Towns on the River where they had got so much as one Man to act in favor of connecting with *New Hampshire ;* and not so much as one fourth Part of the legal Voters in those four Towns—a very small Minority indeed in Favor of connecting with *New Hampshire.*

I then proceeded to treat largely on the fundamental Arguments, viz. the Change of Jurisdiction in 1764—the Proclamation issued by his Excellency *Benning Wentworth*, Esq; dated about Feb. 1765—the Heads of the Grievances the Inhabitants of *Vermont* have suffered from *New York*, since 1764, to the present Era—Expence in sending Agents to *Great* Britain—*New Hampshire* refusing to exert herself to recover her Jurisdiction, although often requested by the Inhabitants of the Grants, when they were put to the greatest Extremity by *New York*—the Right the People had to assume Government, since the present Revolution—Constitution and Code of Laws established—Officers of Government, together with the Freemen of the State, sworn to support the Constitution thereof, as established by Convention—Letters from the General Court of the State of *New Hampshire*, in November last, giving their full approbation to the State of *Vermont's* being established by Congress as such, provided the People there, as a Political Body, would dissolve all Connections with sixteen Towns east of Connecticut River, which they alledged to be a Part of *New Hampshire :*—That every Engagement on the Part of *Vermont* to *New Hampshire*, was fulfilled ;—That it was

one Thing for said State to lay a jurisdictional Claim to the Territory of *Vermont*, and another to exercise Jurisdiction.

The Committee of both Houses disolved, and the House resumed the Subject, and voted to lay Claim to the Jurisdiction of the Whole of the *New-Hampshire* Grants, to the Westward of Connecticut River; nevertheless, allowing and conceding, that if the Hon. Continental Congress should establish the State of *Vermont*, that in such case the State of *New Hampshire* will acquiesce therein; and that said State should not extend Jurisdiction farther West than the West Bank of Connecticut-River, till otherwise directed by Congress.—Concurred by the Hon. Board.—The General Court then chose a Committee to wait on the Committee of Congress, supposing they would come to the County of *Grafton*.

Although this Proceedure of the Court of *New-Hampshire* doth not appear to be to the Disadvantage of *Vermont*, but rather as a Bar against *New York;* yet I must not omit to observe that there are a Number of the Members of that Court, who would be exceeding glad to have the Territory of *Vermont* added to *New-Hampshire*. Their principal Motives to me appear to be these, viz. That the Addition of the Territory of *Vermont* to that State, would most certainly bring the seat of Government into another Neighborhood; but a greater Inducement is the unappropriated and Tory Lands within this State, which, if added to *New-Hampshire*, would help them in the heavy Lift of paying Taxes.—If said Lands are a sufficient Motive for some Part of the General Court of *New-Hampshire* to wish to enlarge their Government for a share in them, surely it would not be for the Interest of the Inhabitants of this State. to take in so many Partners on that Footing, but to the Interest of each Individual to oppose such an ungenerous Extention of *New-Hampshire;* and warrantable for the following Reasons:

The State of *Vermont* is at this Time formidable against its old Adversary, *New-York*, and has little or nothing to fear from her Power in Arms or Influence at Congress.—In former Days, when under *British* Administration, for any Set of Men to rise and oppose the Authority, was thought a most daring Thing: People in general were under a strong traditional Bias in favor of Government, and but few, how much soever they might be oppressed, had that Fortitude and Patriotism that they dare appear in Arms to defend their just Rights, in Opposition to the undue Exercise of Law, when attempted to be exercised by legal Officers of Justice; and when they did, seldom failed of losing some of their Lives, and being vanquished by their Adversaries—witness *Nobletown*, *Livingston's-Manor*, *Bateman's-Patent*, &c.—In those Days the *Green-Mountain-Boys* were put to the sad Alternative of rising in Arms, and opposing the legislative and executive Authority of *New-York*, or of giving up their Lands and Possessions to the Land-jobbers of said Province. Then the *Green-Mountain-Boys* were few in Number, settled in a Wilderness Country, generally poor, but little more than the Heavens to protect them and their Families from the Inclemency of the Weather, the Justice of their Case not publicly known—a rich, powerful and intriguing Province to contend with, who did not fail to send their Emissaries amongst them, in order to make Divisions, by Commissions, and every other Way in their Power. In short no Kind of Bribery or Corruption was too mean for them to be guilty of. Then were the Lives, Liberties and Properties of the People at Stake. In this Situation, a few small Companies of *Green-Mountain-Boys*, (stimulated by the same patriotic Spirit of Freedom which has since shined with a superior Lustre from one End of this Continent to the other) baffled all the diabolical Machinations of their inveterate Adversaries for more

than seven Years together. Can this be accounted for, without acknowledging the propitious Agency of the Deity?—In those Days, repeated Applications were made to *New-Hampshire*, to exert herself to obtain the Jurisdiction again; but her Language was then nearly similar to that of righteous Job; for *it was the King gave and the King hath taken away, and blessed be the Name of the King.* From that Day to this, said State hath not exerted herself to obtain Jurisdiction again.

It was by Virtue of a royal Edict, that *New-Hampshire* ever had a Right of Jurisdiction to the Westward of Connecticut-River, and by the same Authority, in 1764, the Jurisdiction was curtailed to the West Bank of said River; and the Assembly of said Province did then acquiesce therein. The Members thereof did publicly assert that they had no Desire that their Province should extend any farther than said River; and that they would not do any Thing to obtain Jurisdiction over a Territory they did not want.—Had the People then submitted to the Jurisdiction of *New-York*, and since the present Revolution associated with them, and assisted in forming a Constitution, established Courts, &c. the Inhabitants would now have been effectually bound down to the Jurisdiction of said State; and it would have been now as much out of the Power of *New-Hampshire* to extend their Jurisdiction to their ancient western Limits, as for the Massachusetts-Bay now to extend their Jurisdiction to their ancient northern Limits, which I believe none are now so hardy as to think of.

By what has been alread elucidated, it appears that the Inhabitants of the Grants, by their own Exertions, have saved themselves from the heavy Yoke of Bondage which *New-York* had prepared for them and their Posterity; and that the Right of *New-Hampshire* (so late in the Day) to the Territory of *Vermont*, must be very inconsiderable: And now, for a few of the Members of that General Court, with the Assistance of a few Individuals to the East and West of Connecticut-River (for sinister Views) to think of breaking up the State of *Vermont*, and connecting the Territory thereof again to *New-Hampshire*, is an idle Whim, a mere Chimera.—It is well known, that by Reason of Oppressions from *Great-Britain*, *America* revolted from her, and published to the World a List of Grievances for the Vindication of her Conduct.—In like Manner the Inhabitants of the now State of *Vermont*, published a List of Grievances received from *New-York*, which to me appear as numerous and aggravating as those this Continent has against *Great-Britain*.

All governmental Power was given by GOD himself to the People; therefore, the Inhabitants of the now State of *Vermont* did associate together and assume to themselves that inestimable Blessing of Heaven, *civil Goverument*. This they did upon the same grand original Basis, or great Rule of eternal Right, that a Number of the present Powers of *Europe* revolted from the several Kingdoms to which they paid Allegiance, and on which the United States of *America* revolted from *Great-Britain*, and assumed to themselves civil Government. The Inhabitants of *Vermont*, for more than ten Years last past, have nobly exerted themselves for the Defence of their Liberties and Property, and in the present Revolution did most heartily join their Brethren for the joint Defence of the Liberties and Property of the Americans in general, and have distinguished themselves to the World, as a truly brave and enterprising People; and it is conceded to by the United States, that they have done their full Proportion in this War, consequently they are intitled to equal Privileges with the Rest of their Brethren in *America*.

They have not delegated their natural Right of Legislation out of their own Hands:—Their Numbers and Territory are sufficient for a State;

and they have now as good a Right to govern their own internal Police, as any one of the United States have theirs. By their noble Exertions in the Cause of Liberty, they have acquired the Esteem and Confidence of the United States—merited a Right to the Articles of Confederacy, and a Seat in the Grand Council of *America*. These precious Privileges, I conceive, will be the ultimate Reward of their many expensive Toils, Battles and Hazards, and for the Attainment of which they have suffered such an uncommon Share of concomitant Evils.—And as I have Reason to apprehend the Grand Council of *America* is composed of as great Patriots as any on Earth, doubt not but in due Time they will grant us our reasonable Request :—Indeed it is for the Interest of the United States to do it, as soon as the Circumstances of the Continent will admit; therefore we need not hurry them.—It is an ancient Maxim, that *Representation and Taxation should go together ;* and until this State is represented in Congress, no Continental Tax can justly be laid on it.

Is it not strange that any of the Inhabitants of this State, who have perused the Constitution and Laws, and duly considered the Advantages that would accrue to each Individual by being and remaining a distinct State, would be willing to give up those Privileges, and connect with any other State ?—Surely the Constitution is upon the most liberal foundation—the Laws are well calculated to preserve inviolate the Liberties and Property of each Individual—the Act of Oblivion settles past Controversies, and puts those who made the Laws and those who opposed them on one Footing, each having a Right to the Protection of the same ; and as one common Interest runs thro' the Whole, hope that past Animosities will be forgotten, and all join Hand in Hand to support their common Rights and Interests.

The Circumstances of this State, in some Respects, is different from every other State on the Continent :—it is not in Debt—I have as much Money in my Office as is due from the State except what I have taken in upon Loan, to balance which, I have in my Office about as much Money in Continental Loan Office Notes, so that, on a Balance, the State is little or none in Debt, excepting what may be supposed to be this State's Proportion of the Continental Debt.—(If any Individual in the State is not satisfied with this Stating of Accounts, I invite him to wait on me at my Office, and I will exhibit the public Books of Debt and Credit for the Proof of the Assertion.)—But there are several valuable Tracts of Land, the Property of this State :—how far those Lands will go towards paying the Continental Debt, do not at this Time take upon me to determine.

Every one of the United States have emitted large Sums of Money, some Part of which has been called in, by giving States Loan Office Notes for the same which are yet due. By this and other Proceedures of the several States, they are in Debt. The Inhabitants of the respective States, have received the Benefits of such Debts when they contracted them ; but the Inhabitants of this State have received no Benefit from such Debts : and why they should any of them wish to connect with any such State, when they know they will be brought in to pay a Part of all such arrearages, is a thing almost unaccountable.

As there are four public Rights of Land in each Town in this State—one for the first settled Minister, one for Schools, one for the first settled Church Minister, and one for propagating the Gospel in foreign Parts—I propose for Consideration, whether it would not be advisable for the Assembly to direct each Town to lease out the two latter, and the Avails to be by each Town appropriated for the Support of the Gospel in the same.

Lastly I proceed to state two Matters that are Facts, which I believe will not be disputed by any ; from which I shall ask two Questions.

*Fact First.* A certain Fraternity of Gentlemen, contiguous to Connecticut River, after the Inhabitants of the Grants west of said River had declared themselves to be a free State, by the name of *Vermont*, did assert that said State had a just Right to be a State ; and that the Grants east of Connecticut River were unconnected with any State, and had a just Right to join said State.

*Question First.* Did the Dissolution of the Union (so called) lessen the Right the State of *Vermont* had to be a State before the said Union took place ?—If it did, in what Manner ?

*Fact Second.* It was also asserted by said Gentlemen that *New Hampshire* had no Right, Title, or Color of Jurisdiction to the West of the *Mason* Line—That the Grants West of the *Mason* Line, and East of Connecticut River, had a good Right to form themselves into a State, and would do it, if the State of *Vermont* would not take them into Union.—The foregoing assertions being granted ;

*Question Second.* What Propriety is there now in requesting *New Hampshire* to extend their Claim and Jurisdiction over the Territory of *Vermont ?*

I am, Friends and Countrymen, your obedient and ever faithful Servant, IRA ALLEN.

*Norwich, July* 13, 1779.

*I beg Leave to subjoin the following Copy of a Letter from the Hon. Committee of Congress, to the Committee of the Yorkers in the lower Part of Cumberland County.*

" *Bennington, June* 23*d*, 1779.

" GENTLEMEN,—The Subscribers are here at present, as members of a Committee of Congress sent for the express Purpose of endeavoring to bring about an amicable Settlement of the Differences between the State of New York and the Inhabitants of the New Hampshire Grants, who have formed themselves into a State, called by them the State of Vermont.

" We have understood that you, and others of the State of New York, have declined taking your turn of militia Duty, for the Defence of the Frontiers, because the Requisition was made under the Authority of the State of Vermont ; and that you have met with some Trouble on this Account.

" We have therefore sent this to inform you, that we hope there will be, by Interposition of Congress, a happy Accommodation of all Differences, in a short Time. In the mean while we have obtained a Promise of Gov. Chittenden, that you shall not be molested till matters are finally settled; and we have engaged to write to you, voluntarily and freely to raise your full Proportion of Men, whenever your Neighbors are called, and you are informed of this, either by Continental Officers, or the new State, till such Time as you have special Directions from the Governor of New York, which we hope to obtain for you, on our return Home. This we are confident you will readily comply with, as otherwise People will be tempted to impute your Conduct to Disaffection to the Cause of the United States.

" We hope that you will understand that the Protection and Forbearance which is promised us on your Behalf, is to be considered as the only Condition of your cordially cómplying with our Request, and in every Respect behaving quietly and orderly, while the Measures for Pacification are on Foot.

" We are, &c.

"JOHN WITHERSPOON. SAM. J. ATLEE."

# APPENDIX H.

## PROCLAMATION OF PARDON ISSUED BY GOV. CHITTENDEN JUNE 3, 1779.[1]

[Copy from the original as printed by the state printers. Furnished by HON. JAMES H. PHELPS, of West Townshend.]

BY HIS EXCELLENCY

THOMAS CHITTENDEN, ESQ;

*Governor, Captain General and Commander in Chief in and over the State of VERMONT.*

A PROCLAMATION.

*WHEREAS*, sundry Persons, Inhabitants of this State, forgetting that great Tie of Allegiance that ought to bind every Subject in a faithful Obedience to that Power which protects Life, Liberty and Fortune—being instigated partly through their own mistaken Notions of Government, not considering all Power originates from the People; and building on a false Reason, that a public Acknowledgement of the Powers of the Earth is essential to the Existence of a distinct separate *State*:—*But their especially being* deceived, and influenced by certain Persons who have crept in privily to spy out and overturn the Liberties of this State, purchased at the dearest *Rate*:—*Who, acting* under Pretence of Power assumed by a neighbouring Sister State, never derived from God or Nature, have imposed their Tenets upon the credulous, whereby a Number have been traduced to follow their pernicious Ways, by open Opposition to the Authority of this State, in the Execution of Justice by the civil Law, to the Disturbance of the Peace, thereby incurring the Penalties of that great Rule of Right which requires Obedience to the Powers that are.

AND *whereas the supreme* Authority of this State are ever willing to alleviate the Miseries of those unhappy Subjects who transgress Laws

[1] A copy of what appears to be the *original draft* of this proclamation may be found in Slade's *State Papers*, pp. 556–7. It is without the signature of the Governor and Secretary, and it is evident that changes in the original were made before the proclamation was signed and published. These changes, however, are not of importance enough to require a reprint of the original draft.

through mistaken Notions, in remitting the Penalties thereof—And inasmuch as equal Punishments (in this Case) can not be distributed, without punishing the Righteous with the Wicked :

I HAVE therefore thought fit, by and with the Advice of Council, and at the Desire of the Representatives of the Freemen of this State, in General Assembly met, to make known and declare this my gracious Design of Mercy to every Offender :—And do hereby publish and declare to all Persons residing within this State, A FULL AND FREE PARDON of all public Offences, Crimes, and Misdemeanors heretofore committed within the Limits of this State, against the Honor and Dignity of the Freemen thereof—remitting to all and singular the Persons aforesaid, all Penalties incurred for Breaches of the Peace, such as Riots, Mobs, tumultuous Assemblies, Contempt of and Opposition to Authority ; excepting only the Crimes of High-Treason, Misprison of Treason, and other capital Offences, committed since the 15th of *January* 1777 ; and all Persons indicted, informed against, or complained of, for any of the Offenses aforesaid, committed before this Date, may plead this Proclamatien in Discharge thereof.

*Provided* nothing herein contained be construed to extend to any Person against whom Judgment has been already rendered, nor to bar any Person from recovering private Damages, any Thing contained herein to the contrary notwithstanding.

AND I do further assure the Subjects of this State, that it is not the Design of their Rulers to take from any one the peaceable Enjoyments of his own Possessions, acquired by the Sweat of his Brow, whatever Falshoods wicked designing Men may have invented, to disquiet the Minds of the faithful Subjects of the rising State of *VERMONT*.

Given under my Hand and Seal in the Council Chamber at Windsor, on the 3d Day of June 1779, and in the Third Year of the Independency of this and the United States of AMERICA.

THO'S CHITTENDEN.

By His Excellency's Command,
JONAS FAY, *Sec'ry P. T.*

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Printed by JUDAH-PADOCK & ALDEN SPOONER, Printers to the General Assembly of the STATE OF VERMONT.

# APPENDIX I.

A VINDICATION OF THE OPPOSITION OF THE INHABITANTS OF *VERMONT* TO THE GOVERNMENT OF *NEW-YORK*, AND OF THEIR RIGHT TO FORM AN INDEPENDENT STATE. Humbly submitted to the impartial WORLD. *By* ETHAN ALLEN. PRINTED BY *ALDEN SPOONER*, 1779, Printer to the State of Vermont.

[From the only copy of the original pamphlet in the State Library.]

*THIS Vindication is humbly inscribed to his Excellency the Governor and the Hon. the Council of the State of* Vermont, *by their most obedient humble Servant the Writer. If it meets with their Approbation and Patronage, he will esteem it a Compliment of Honor and Respect, and be still further satisfied if it may but contribute towards the Happiness and Establishment of the People on whose behalf it was Wrote.*

*State of* VERMONT.

*In Council, Arlington, 23d of August*, 1779.

*RESOLVED*, That the following Vindication be forthwith published, and that a Number of the Pamphlets be sent to the Congress of the United States, and to the General Assembly of every of these States; and that a Number be likewise sent to the Generals and other principal Officers of the Continental Army, for their Consideration.

*Per Order of the Governor and Council*,

JOSEPH FAY, *Sec'ry.*

## A VINDICATION, &c.

*THE* very extraordinary demand which the government of the State of *New York* make on the grand Congress of the United States, forthwith to decide in their favor, (and as they would have it *ex parte*) that long and spirited controversy which has subsisted between them and the inhabitants of the territory now known by the name of *Vermont*, together with their misrepresentations of facts; has induced the government of *Vermont*, to publish to the impartial world, a further vindication of the conduct of those inhabitants than hath been already done, and exhibit to all wise and understanding Beings whom it may concern, the intrinsic causes, motives and reasons, of their assuming government.

IT IS well known that this contest was not occasioned by the late revolution, but existed many years before; that the contending parties were greatly exasperated towards each other; and that those inhabitants had appealed from the decision of the courts, as by law established

in the then province of *New-York*, to arms, and had anounced to the public their reason for so doing.

A SHORT state of the proceedings of both parties (being necessary to communicate to the public, in order to their rightly determining the merits of such an important dispute) is herewith given. And 1*st.* The government of *New-York* obtained the jurisdiction of the contested territory in 1764, ex-parte and contrary to the minds of the original Grantees and Settlers under *New-Hampshire*, and therefore ought to be considered as null and void from the beginning. And secondly, The undue use and oppressive exercise which they have ever since made of the power of jurisdiction towards those inhabitants, altho' their legal claim of jurisdiction was ever so well grounded, would fully justify those inhabitants in their opposition to that government, and in their assuming independence.

NO SOONER had the government of *New-York* obtained the jurisdiction of these lands, but they presumed to re-grant sundry large patents, interfering with prior grants from the government of *New-Hampshire*, at a time when the Grantees under *New-Hampshire* were in full possession of the very lands re-granted.

THIS reprehensible procedure of the government of *New-York*, laid those inhabitants under the necessity of remonstrating against that government. They therefore impowered *Samuel Robinson*, Esq. (then of *Bennington*) their Agent, to lay the same before the King and privy Council, together with a humble Petition from those inhabitants, that the jurisdiction of those lands might be restored to *New-Hampshire* again. The consequences of these measures were favorable to the Grantees under *New-Hampshire*, and were the means of obtaining the King's express prohibition to the government of *New-York*, to make no grants of lands in the disputed premises, on pain of his *highest* displeasure.

THE government of *New-York* did nevertheless presume in direct violation of the said prohibition, to grant most of the prohibited premises: and further proceeded to oppose the authority of the king, by erecting and establishing the counties of *Cumberland* and *Glocester*, which are contained in the territory in dispute, though the king had signified to the said government, his utter disapprobation of the establishment thereof. And all this when the now Independent States were subject to the royal authority.

IN the year 1769, the claimants under the subsequent grants from *New-York*, and not residing on the controverted premises, brought action of Ejectment in their supreme Court held at *Albany*, against sundry actual settlers who claimed the soil by virtue of prior grants from *New-Hampshire*. But most if not all the judges and attornies, particularly Messrs. *Duane* and *Kemp*, which attended the court, were patentees under *New-York*, and some of them intrusted [interested] in the very patents, then on trial.

THE plaintiffs appearing in great state and magnificence, which together with their junto of land-thieves, made a brilliant appearance; but the defendants appearing in but ordinary fashion, having been greatly fatigued by hard labour wrought on the disputed premises, and their cash much exhausted, made a very disproportionable figure at court. In fine, interest, connection and grandeur, being all on one side, easily turned the scale against the honest defendants, and judgment without mercy in favor of the claimants under *New-York*, was given against them. In the course of the trial, a grant of the township from *New-Hampshire* under which the defendants claimed being produced in court, and also a certificate from the Governor of *New-Hampshire*, and his Secretary, that the land grant was legally executed to the grantees

whose names were mentioned on the back of the charter, it was nevertheless ruled that the same should not be read in court.

SOON after, writs of possession were issued in form of law against the vanquished defendants, and new actions of ejectment were commenced against other of the inhabitants; but their spirit was too great to bear such insults any longer; they therefore resisted and defeated the officers in their attempts to gain possession.

DIRECTLY after these tumults, the legislature of *New-York* passed a law annexing a penalty of thirty pounds fine and six Months imprisonment, on any of their subjects who should refuse to assist the sheriff when legally requested, to carry into execution those writs of possession.

THIS law had no sooner been promulgated, but Governor *Tryon* who then presided over the government, gave orders to the militia of *Albany* county, to assist the sheriff in executing the writs aforesaid, The inhabitants being thus drove to the extremity of either quitting their possessions or resisting the sheriff and his posse. In this state of desparacy they put on fortitude and chose the latter expedient, and managed with that bravery that they defended their possessions; and the sheriff with his posse returned to their own land without any bloodshed on the occasion. But it should be confessed that this event was not altogether owing to the valor of the *green mountain boys*, for the militia were most generally persuaded that the cause of those inhabitants was just: and that the *New-York* patentees were oppressive and unjust, and therefore they would not hazard their lives to assist them in such usurpation of the rights of their fellow-men, and in the event were sure to be no gainers turn which way it would.

AFTER this ineffectual muster of the militia, the land-schemers adopted different measures to accomplish their designs, perceiving that the militia would not fight for their subsequent and exorbitant claims; and as to themselves, they were a jesuitical and cowardly junto of schemers, not inured to danger, hardships, or the horrors of war, durst not fight for their own claim; their accustomed way to carry points being to deceive, cheat, and over reach the commonality of their species under pretext of law, justice, and good government. These are their horns of iron, and with them they do push. They were therefore obliged to follow their old and beaten road of politics; and by their influence caused a number of the leading men among those inhabitants, to be indicted as rioters, designing to have made such an example of them, as to fright the inhabitants in general to a tame compliance with the decisions of their courts of law, or which is the same thing, to yield up their property to them, and become their tenants and slaves.

THE inhabitants in general were apprised that this was their design, and guarded against it; were very active and vigilent in defending their friends and neighbours indicted as aforesaid; being fully persuaded that the said junto of patentees had in those very indictments for their object, the very lands which they the aforesaid inhabitants possessed.

SUNDRY proclamations under the signature of governor *Tryon* were issued, for the express purpose of apprehending those inhabitants which he was pleased to denominate riotous, licentious, disorderly, &c. and large rewards therein were offered for that purpose; but the governor and whole catalogue of patentees, had the mortification to be baffled in their attempts to take rioters (as they phrased it) during the course of three years; and the green mountain boys prevailed against them, seized their magistrates and emissaries; and in fine, all those their abettors which dared to venture upon the contested lands, and chastised them

with the whips of the wilderness, the growth of the land which they coveted.

And on the 9th day of *March*, 1774, the legislative authority of the province of *New-York*, did pass twelve acts of outlawry against those inhabitants, and they on their part published a declaration of a defensive war, against the government of *New-York*, on the 26th day of *April* following; and extended their settlements and emigrants from *New-England*, increased their power, and they built fortifications in their frontier settlements, against the government of *New-York*, and garrisoned them, and prospered until the late *glorious revolution*.

A particular history of this controversy from the commencement of it down to this æra, having been written by the writer of this vindication, and published in 1774, Intitled *A brief Narrative of the proceedings of the government of* New-York, *&c.*, it will be therefore needless, as also too prolix, to give the contents a place in this; and for this reason some memorable parts of it only are subjoined: and to the whole is added as an appendix, nine sections of the same; holding forth a clear confutation of a *New-Yorkish* doctrine, recently propagated, of an antient right of theirs to the jurisdiction of the territory in dispute, with a chain of arguments calculated on an extensive scale, and predicated on undeniable facts; evincing that the right of soil to the lands contained in the limits of the *New-Hampshire Grants* was conveyed to the grantees, by virtue of the respective grants; that their right to the lands therein contained is indefeasible; and that the royal adjudication of the boundary line between the governments of *New.Hampshire* and *New-York*, should have operated as a line of jurisdiction only, and not in any measure to effect [affect] the property of the subject. Without the consideration of these arguments on the right of title of those lands, a just conclusion on the controversy cannot be drawn; for if those settlements were an intrusion on the right of the government of *New-York*, it would in a great measure extenuate their conduct towards them; but if on the grounds of justice and solid argument the *New-Hampshire* Grants are good and valid, it must of necessity invalidate the *New-York* interfering grants, and leave that government no excuse for their abuse to those inhabitants. This we refer to the public and proceed to the later stages of the controversy.

The approaching rupture between *Great-Britain* and the *Colonies* was matter of serious reflection to the inhabitants of this frontier; their controversy with *New-York*, having (at a great expence) been previously submitted to the King and privy council, by the negociation of special agents at two different times, and was in a high probability of being determined in their favor, which influenced some of the inhabitants to take a part with *Great-Britain*, the more so, as this part of the country was a frontier, and of consequence would be greatly under the enemy's power, who was then in possession of *Ticonderoga*, *Crown Point* and *St. Johns*, and commanded the lake with a vessel of force besides. At the same time their settlements were extended on the east side of the lake almost to the province of *Quebec*. This was their situation when on the very eve of a war with *Great-Britain*.

The battle of *Lexington* almost distracted them, for interest inclined them to favor the royal side of the dispute, but the stronger impulses of affection to their country, excited them to resent its wrongs, and obtain satisfaction for the blood of their massacred countrymen. Their condition was truly perplexed and critical: their hopes were placed on the royal authority for their deliverance from the incroachments and oppressions of the government of *New-York*; but the ties of consanguinity, personal acquaintance and friendship, similarity of religion and man-

ners to the *New-England* governments from whom these inhabitants had most generally emigrated, weighed very heavy in their deliberations; besides, the cause of the country was generally believed to be just; and that resistance to *Great-Britain* had become the indispensible duty of a free people. But there was one very knotty query, which exercised the minds of their best politicians, viz. Provided they should take an active part with their country; and furthermore, Provided an accommodation should take place, and the colonies return to their former allegiance,—what would then become of them or their remonstrances against the government of *New-York*, lodged at the court of *Great-Britain*? but this danger seems to have been luckily passed over.

SOON after the news of the *Lexington* battle, the principal officers of the green mountain boys, and other principal inhabitants were convened at *Bennington*, and attempted to explore futurity, but it was found to be unfathomable, and the scenes which have since taken place, then appeared precarious and uncertain. However, it was imagined that provided those inhabitants were loyal to their country, and the event of the war should prove favorable to *America*, and their struggles for liberty should bring about a revolution instead of a rebellion; that in this case they should rid themselves of the grievous usurpation of the government of *New-York*, and be entitled and readily admitted to any privileges which could reasonably be expected on revolution principles, which undoubtedly will be the consequence; (for it can hardly be doubted, that provided the said inhabitants had exercised the same degree of royalty to the King that they have to the country, they might have shared as great privileges from the royal favor as they now request of Congress, viz. Provided the event of the war had proved as successful to *Britain* as it has to *America*.) And as every of the colonies and plantations were then taking arms for the mutual security of their liberty; and it was equally just and incumbent on the inhabitants of the *New-Hampshire* Grants, to do the same, It was therefore resolved to take an active part with the country, and thereby annihilate the old quarrel with the government of *New-York*, by swallowing it up in the general conflict for liberty; at that time not apprehending the least danger (on the proviso of a revulsion's taking place) that Congress would resolve them to belong to the government of *New-York*; or in any manner countenance their being deprived of their liberty by subjecting them under the power of a government which they detest more than that of the British, which they have manfully assisted the United States to suppress.

BUT the enemy having the command of lake *Champlain* and the garrisons contiguous to it, was ground of great uneasiness to those inhabitants who had extended their settlements on the rivers *Otter-creek* and *Onion-river*, and along the east side of the lake aforesaid; who, in consequence of a war, would be under the power of the enemy. It was therefore projected to surprise the garrisons of *Ticonderoga* and *Crown-Point*, with the armed vessel in the lake, and gain the command of that important pass; in as much as such an event would in a great measure secure those inhabitants from the enemy, obliging them to take post in *Canada;* but whether such a measure would be agreeable to congress or not they could not for certain determine. But it was apprehended that if those posts were not soon taken they would be strongly re-inforced, and become impregnable to any attack short of a regular siege, for which, at that time, the country were very deficient in the articles of artillery, &c.

WHILE these matters were deliberating, a committee from the council of *Connecticut* arrived at *Bennington*, with advice and directions to carry into execution the surprise of those garrisons; and, if possible, to gain the command of the lake. Which was done without loss of time.

DURING near two years in the first of the war with *Britain*, the inhabitants of these contested lands governed themselves, and managed their internal police under the direction of committees and conventions, as they had done from the commencement of their controversy with the government of *New-York*, a small number of the inhabitants excepted, who are situate in the southeast corner of *Cumberland* county, who adhere to the government last mentioned, and are part of them Tories.

ON the 15th day of *January* 1777. the inhabitants of the *New-Hampshire* Grants to the westward of *Connecticut*-river, at a general convention, abrogated their former modes of government, *viz.* by committees and conventions, and declared themselves A FREE AND INDEPENDENT STATE, and have formed their constitution and mode of government, elected their officers both civil and military; and made and established a code of laws for the future government of the State And in consequence of their frontier situation have been invaded by *Britons*, *Hessians*, *Savages*, and more savage *Tories;* and have (as they humbly conceive) in their various struggles for liberty, fairly merited the inestimable enjoyment of it. This they consider as the ultimate reward of their many expensive toils, battles, and hazards; and for the attainment of which, they have endured such an uncommon series of concomitant evils.

ON the 23d day of *February* 1778, his excellency governor CLINTON, in pursuance of the request of the Senate and Assembly of the State of *New-York*, issued his proclamation, which is here transcribed, with the answer to the same, which was published in *August* following.

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"By his Excellency GEORGE CLINTON, Esq; Governor of the State of *New-York*, General of all the Militia, and Admiral of the Navy of the same.

## A PROCLAMATION.

*L. S.* WHEREAS the Senate and Assembly of this state, did, by their several resolutions, passed the twenty-first day of this instant month of *February*, declare and resolve, That the disaffection of many persons, inhabiting the north eastern parts of the county of *Albany*, and certain parts of the counties of *Charlotte*, *Cumberland* and *Gloucester*, clearly included within the ancient, original, true and lately established bounds of this state, arose from a contest, about the property of the soil of many tracts of land, within those parts of the said counties respectively:

That the said contest was occasioned, partly by the issuing of divers interfering patents or grants, by the respective governments of *New-York*, on the one part, and those of *Massachusetts-Bay* and *New-Hampshire*, on the other, antecedent to the late establishment of the eastern boundary of this state; partly by an higher quit-rent reserved on the said lands, when re-granted under *New-York*, than were reserved in the original grants under *New-Hampshire* or *Massachusetts-Bay*, and the exorbitant fees of office accruing thereon; and partly by a number of grants made by the late government of *New-York*, after the establishment of the said eastern boundary, for lands which had been before granted by the governments of *New-Hampshire* and *Massachusetts-Bay*, respectively, or one of them; in which last mentioned grants by the late government of *New-York*, the interest of the servants of the crown, and of new adventurers, was, in many instances, contrary to justice and policy, preferred to the equitable claims for confirmation, of those who had patented the lands under *New-Hampshire* or *Massachusetts-Bay* :—

That the aforesaid disaffection has been greatly increased, by an act passed by the legislature of the late colony of *New-York*, on the ninth day of *March*, in the year of our Lord, one thousand seven hundred and seventy four, entitled "An Act for preventing tumultous and riotous assemblies in the places therein mentioned, and for the more speedy and effectual punishing the rioters:"—That many of the aforesaid disaffected persons, though unjustifiable in their opposition to the authority of this state, labour under grievances, arising from the causes above mentioned, which in some measure, extenuate their offence, and which ought to be redressed :—

That, therefore, the Legislature of this state, while on the one hand, they will vigorously maintain their rightful supremacy over the persons and property of those disaffected subjects, will, on the other hand, make overtures to induce the voluntary submission of the delinquents :—

That an absolute and unconditional discharge, and remission of all prosecutions, penalties and forfeitures, under the above-mentioned act, shall be an established preliminary to such overtures ; which overtures are as follows, *viz.*

1st. That all persons actually possessing and improving lands, by title under grants from *New-Hampshire* or *Massachusetts-Bay*, and not granted under *New-York*, shall be confirmed in their respective possessions.

2d. That all persons actually possessing and improving lands, not granted by either of the three governments, shall be confirmed in their respective possessions, together with such additional quantity of vacant land, lying contiguous to each respective possession, as may be necessary to form the same into a convenient farm ; so as the quantity to be confirmed to each respective person, including his possession, shall not exceed three hundred acres.

3d. That where lands have heretofore been granted by *New-Hampshire* and *Massachusetts-Bay*, or either of them, and actually possessed in consequence thereof, and being so possessed, were afterwards, granted by *New-York*, such possessions shall be confirmed ; the posterior grant under *New-York*, notwithstanding.

*Provided always*, That nothing in the above regulations contained, shall be construed to determine any question of title or possession, that may arise between different persons claiming under *New-Hampshire* or *Massachusetts-Bay*, or between persons claiming under *New-Hampshire* on the one, and under *Massachusetts-Bay* on the other part, independent of any right or claim under *New-York*.

4th. That, with respect to all such cases, concerning the aforesaid controverted lands, as cannot be decided by the rules exhibited in the aforegoing articles, or some one of them, the Legislature of the state of *New-York*, will provide for the determination of the same, according to the rules of justice and equity, arising out of such cases respectively, without adhering to the strict rule of law.

5th. That, in all cases, where grants or confirmations shall become necessary, on acceptance of the above overtures, such grants or confirmations, shall issue to the grantees, at, and after, the rate of five pounds for a grant or confirmation of three hundred acres or under ; and for every additional hundred acres, the additional sum of sixteen shillings ; except in cases, where lands shall be granted or confirmed to divers persons in one entire tract ; in which case, the grants shall issue, respectively, for fifteen pounds each ; which allowances shall be in lieu of all other fees or perquisites whatsoever.

6th. That whenever, agreeable to the above regulations, new grants or confirmations shall become necessary under this state, for lands here-

tofore granted by *New-Hampshire* or *Massachusetts-Bay*, the same quit-rent only shall be reserved, which was reserved in the original grants under *New-Hampshire* or *Massachusetts-Bay*.

7th. That where lands, heretofore granted by *New-Hampshire* or *Massachusetts-Bay*, have been, since, confirmed to such grantees by new grants under *New-York*, the quit-rents on such lands, shall be reduced to what they were in the original grants, under *New-Hampshire* or *Massachusetts-Bay*.

8th. That, in order to encourage the settlement of the aforesaid disputed lands, in a peaceful subjection to the authority and jurisdiction of this state, and also of all other lands held within and under this state, the following commutation for the quit-rents, shall be allowed, *viz* :— That, on payment, at the rate of two shillings and six pence, lawful money of this state, into the treasury of this state, for every penny sterling of quit-rent reserved ; or, on delivery into the same, of seventeen times the quantity of grain, or other commodity, reserved for such quit-rent, the same shall thence forward be utterly discharged, and for ever cease and be extinguished.

That these overtures should be offered with a view, not only to induce the aforesaid discontented inhabitants of the counties of *Albany*, *Charlotte*, *Cumberland* and *Gloucester*, to return to a lawful and rightful obedience to the authority and jurisdiction of this state ; but also in favor of all others whom the same may concern ; and to be of no avail to any person or persons whatsoever, who shall, after the first day of *May* next, yield or acknowledge, any allegiance or subjection to the pretended state of *Vermont*, the pretended government thereof, or to any power or authorty, pretended to be held or exercised thereunder.

That the aforegoing overtures, on the condition above expressed, be tendered for acceptance to all persons, to whose case the same, or any or either of them, do, or shall apply, upon the public faith and assurance of the legislature and government of this state of *New-York*, pledged to such person and persons for the purpose.

That the several branches of the legislature of the state of *New-York*, will concur in the necessary measures for protecting the loyal inhabitants of this state, residing in the counties of *Albany*, *Charlotte*, *Cumberland* and *Gloucester*, in their persons and estates, and for compelling all persons, residing within this state, and refusing obedience to the government and legislature thereof, to yield that obedience and allegiance, which, by law and of right, they owe to this state.

*And whereas*, The said Senate and Assembly of this state of *New-York*, have also, by their resolution, requested me to issue my Proclamation, under privy seal of this state, reciting their aforesaid declarations and resolutions, and strictly charging and commanding all manner of persons, in the name of the people of the state of *New-York*, to take due notice thereof, *at their peril*, and govern themselves accordingly :

I DO THEREFORE *hereby, in the name of the people of the state of New-York*, publish and proclaim the aforesaid declarations and resolutions ; and I do hereby strictly charge and command all manner of persons within this state, at their peril, to take due notice of this proclamation, and of every article, clause, matter and thing therein recited and contained, and to govern themselves accordingly.

*Given under my Hand, and the privy seal of the State of* New-York, *at* Poughkeepsie, *in the County of* Dutchess, *the Twenty-Third Day of* February, *in the Year of our Lord, One thousand Seven Hundred and Seventy-Eight.*

GEO. CLINTON.

GOD SAVE THE PEOPLE.

[ETHAN ALLEN'S REPLY TO THE FOREGOING PROCLAMATION.]

This proclamation, after mentioning a disaffection of many persons, inhabiting the north-east parts of the county of *Albany*, and certain parts of the counties of *Charlotte*, *Cumberland* and *Gloucester*, proceeds to affirm that these tracts of country were clearly included within the ancient, original, true, and lately established bounds of the state of *New-York*.

That many, nay, almost the whole of the inhabitants in those counties, *alias* the state of *Vermont*, are disaffected to the government of *New-York*, will not be disputed. This is a fact. But it is not a fact, that the ancient, original and true bounds of *New-York*, included those lands. The first intimation that ever saluted the ears of the public, asserting this doctrine, was, from a proclamation of governor *Tryon*'s, dated the 11th day of *December*, 1771, which begins thus: "Whereas, it is the an-"cient and incontestible right of this colony, to extend to *Connecticut* "river, as its eastern boundary." This assertion hath been answered, at large, in my Treatise on the Conduct of this Government, towards the *New-Hampshire* Settlers; to which I refer the reader, and at present observe, that as the quoted assertions in these proclamations, are wholly without foundation, they need only to be as positively denied as they are asserted. The fact is, that the tract of land, which now comprehends the state of *Vermont*, was, universally, known to be in the government of *New-Hampshire*. Thus it was placed by all Geographers in their maps, 'till the year 1764, when the now *English* King, for certain political reasons, which I shall mention, extended the jurisdiction of *New-York* over the premises, by his special royal authority. At the time of the alteration of this jurisdiction, jealousies had fir'd the minds of king and parliament against the growth and rising power of *America*, and at this time, they began to advance men and governments into power, with a political design to crush the liberties of *America*. *New York* had ever been their favorite government. They could almost vie with *Great-Britain* in the art of vassalaging common people, and in erasing every idea of liberty from the human mind, by making and keeping them poor and servile. This, *Great-Britain* well knew, and therefore fleeced a large territory from *New-Hampshire*, and added it to *New-York*, to depress the power of the one, and enlarge and extend the other. A well concerted plan: but the *green mountain boys* disconcerted it, by throwing their weight into the scale of congress, which, thank GOD, has fairly ponderated. Thus may be seen the design, as well as date, of the original, ancient and true bounds of the state of *New-York*'s being extended over the state of *Vermont;* and for the same reason it was thus extended by *Great-Britain*, it will undoubtedly be curtailed by congress.

As to the acts of outlawry, mentioned in the proclamation, they died a natural death, the first day of *January*, 1776, as may be seen from the act itself, here quoted: "And be it further enacted by the authority "aforesaid, that this act shall remain and continue in full force and effect, "from the passing thereof, until the first day of *January*, which will be in "the year of our Lord, one thousand seven hundred and seventy-six."

The subjects of the state of *Vermont* were under no apprehensions from these old lifeless acts. Nor do I conceive, that the present legislature of the state of *New-York* have laid them under any obligation, in granting them a pardon. It was a matter which formerly respected governor *Tryon*, the old Legislature of *New-York*, and the *green mountain boys;* and the party last mentioned, choose to settle that old quarrel with Mr. *Tryon;* and resent it, that the legislature of the state of *New-*

*York* have, so late in the day, undertook to give an "Unconditional dis-"charge and remission of all penalties and forfeitures incurred," under an act which had been long dead; and which, when alive, served only to discover to the world, the wickedness and depravity of that legislative body which enacted them. In the lifetime of this act, I was called by the *Yorkers* an outlaw, and afterwards, by the *British*, was called a rebel; and I humbly conceive, that there was as much propriety in the one name as the other: and I verily believe, that the king's commissioners would now be as willing to pardon me for the sin of rebellion, provided I would, afterwards, be subject to *Britain*, as the legislature above mentioned, provided I would be subject to *New-York;* and, I must confess, I had as leave be a subject of the one as the other; and, it is well known, I have had great experience with them both.

Next, I propose to consider that part of the proclamation, called overtures, which are contained in the three first articles. Article 1st. "That "all persons, actually possessing and improving lands, by title under "grants from *New-Hampshire* or *Massachusetts-Bay*, and not granted un-"der *New-York*, shall be confirmed in their respective possessions."

This first article cannot be considered of any material consequence, inasmuch as, amongst almost the whole possessions referred to in the article, there are but very few, if any, but what are covered with *New-York* grants.

The second article is as follows: "That all persons possessing and "improving lands, not granted by either of the three governments, shall "be confirmed in their respective possessions, together with such addi-"tional quantity of vacant land, lying contiguous to each respective pos-"session, as may be necessary to form the same into a convenient farm, "so as the quantity of land to be confirmed to each respective posses-"sion, shall not exceed three hundred acres."

Neither of these two first articles, called Overtures, affect the controversy, except in some very few instances; inasmuch as all, or in a manner, all the possessions spoken of, were first granted by *New-Hampshire*, except some few which were granted by *Massachusetts-Bay;* and then, lastly, almost the whole of those possessions were re-granted by *New-York*. This being the case, what has been hitherto proposed, does not reach the essence of the controversy, as the *New-Yorkers* very well know; besides, it is not in the power of the government to confirm any of those possessions, which have been already granted, and therefore become the property of the grantees, as will be more fully discussed in its proper place. I proceed to the third article of the much boasted Overtures,

"That where lands have been heretofore granted by *New-Hampshire* "and *Massachusetts-Bay*, or either of them, and actually possessed in "consequence thereof, and being so possessed, were afterwards granted "by *New-York;* such possession shall be confirmed, – the posterior grant "under *New-York*, notwithstanding."

Though it is absolutely out of the power of the said legislative authority, to confirm the possessions mentioned; yet, to discover their want of generosity in their proposal, I shall, in the first place, consider what a trifling proportion of those possessions could be confirmed upon their own stating, inasmuch as the confirming clause in the article, only confirms the possessor, who being so possessed at the time that the *New-York* grant was laid; and has no respect to any additional possession carried on after the grant took place. The identical words are, "And being so possessed, were afterwards granted by *New-York;*" *viz.* After such possession was actually made, and the possessor being so in possession, at the time the grant took place: such possession shall be confirm-

ed ; but any later possession cannot be included in the condition of "being so possessed ;" for, a later possession was no possession at all, at the time the condition of possession took place ; and, consequently, every possession which has been begun in the state of *Vermont*, since the lands were granted by *New-York*, must be lost to the possessor, and fall into the hands of the *New-York* grantees, with all other uncultivated lands in the state ; and all our purchases of those lands from *New-Hampshire* and *Massachusetts-Bay*, fall to the ground, together with our possessions, which have been increased an hundred fold.

These Overtures have hitherto been considered only in a grammatical and logical sense, allowing them their own construction. I now proceed to consider them in a law sense. A legislative authority, within its own jurisdiction, may confirm a possession on vacant land, by making a grant of the same to the possessor: But, for the legislative authority of the state of *New-York*, to pretend, as they do in their proclamation, to vacate any grants made by their own authority, in favor of any possession, and to confirm such possessions, by nullifying and defeating their own grants, is the height of folly and stupidity : For, the lands being once granted, the propertey passeth to the grantee ; who is become the sole proprietor of the same ; and he is as independent of that legislative authority, which granted it, as any person may be supposed to be, who purchaseth a farm of land of me by deed of conveyance ; and it is as much out of the power of that Legislature to vacate a grant made by them, or the same authority, in favor of any possessor, as it is out of my power to vacate my deed of conveyance in favor of some second person. It is contrary to common sense to suppose, that the property of the subject is at the arbitrary disposal of the legislature : If it was, they might give a grant to-day, and vacate it to-morrow, and so on, *ad infinitum*. This would destroy the very nature and existance of personal property, as the whole would depend on the sovereign will and last act of the Legislature : But the truth of the matter is, the first conveyance will, and ought to hold good ; and this defeats all subsequent conveyances.

From what has been said on this subject, it appears, that the overtures in the proclamation set forth, are either romantic, or calculated to deceive woods people, who, in general, may not be supposed to understand law, or the power of a legislative authority.

I have further to evince my arguments on this subject, by the concurring opinion of the Lords of the Board of Trade, on complaint made to them from those very persons, possessing the land we are speaking of. That clause of their report which is similar to what I have argued, is in these words : "Such subsequent grants made by the government of *New-York*, however unwarrantable, cannot be set aside by any authority from his Majesty, in case the grantees shall insist on their title."

Thus it appears, in a trial (of the same case we are treating of) before the board of trade, that the king, under whose authority the government of *New-York* had, in an oppressive manner, granted those very lands, could not, by his royal authority, vacate or set aside the grants ; yet, the present legislative authority of the state of *New-York*, proclaim to the world, and pledge the faith of government, that they will do it. But enough has been said on the impossibility of it, as well as on the ungenerousness of the proposal : And as to the quit-rents, the General assembly of the state of *Vermont* will determine their expediency, and probably release them all.

What has been observed, answers every part of the proclamation worth notice, as the five last articles had an entire reference to the three first ; though it may be worth observing, that the time of compliance with those overtures are run out ; and it is my opinion, that but few of

the subjects of the state of *Vermont* have closed with them. The main inducement I had in answering them was, to draw a full and convincing proof from the same, that the shortest, best, and most eligible, I had almost said, the only possible, way of vacating those *New-York* interfering grants, is, to maintain inviolable the supremacy of the legislative authority of the independent state of *Vermont*. This, at one stroke, overturns every *New-York* scheme, which may be calculated for our ruin ; makes us free men, confirms our property, "and puts it fairly in our power to help ourselves" to the enjoyment of the great blessings of a free, uncorrupted and virtuous civil government.

*Bennington, August* 9, 1778.

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ON the 31st day of *October* 1778, the Senate and Assembly of the state of *New-York*, prevailed on his Excellency Governor CLINTON to issue his last Proclamation and dying Speech, to the citizens of the rising state of *Vermont*, which is here transcribed *verbatim*.

"By his Excellency GEORGE CLINTON, Esq; Governor of the State of *New-York*, General and Commander in Chief of all the Militia, and Admiral of the Navy of the same,

A PROCLAMATION.

*L. S.* WHEREAS the Senate and Assembly of this State, did by concurrent resolutions, passed the 21st day of *February* last, propose certain overtures with respect to the controverted lands, in the north eastern parts of the county of *Albany*, and certain parts of the counties of *Cumberland*, *Charlotte* and *Gloucester*, in order to quiet the disorders prevailing in that part of the state.

AND WHEREAS the said resolutions have been misrepresented by some, and misunderstood by others, and are deemed not to apply to the cases of many persons entitled to relief; by reason whereof apprehensions still remain on the minds of many of the inhabitants in that part of the state, and they have not in consequence thereof, returned to their allegiance to this state, within the time, for that purpose in said resolution, limited.

AND WHEREAS the Senate and Assembly, in order more effectually to remove such apprehensions, and more fully to explain the said resolutions, and manifest the equitable intensions of the legislature, have by concurrent resolutions passed this present session,

RESOLVED, That with respect to all such lands, which have heretofore been granted by the governments of *New-Hampshire* or *Massachusetts-Bay*, and have not been since granted by the government of *New-York ;* that all such grants, under *New-Hampshire* or *Massachusetts-Bay*, shall be confirmed and declared good, valid and effectual, to all intents and purposes, as if the same had been made by the government of *New-York ;* and shall not be deemed null or void, by reason of the non-performance of any condition contained in the same.

AND WHEREAS it is impossible to establish any general principle for the determination of all disputes, that may arise between persons claiming under *New-Hampshire* or *Massachusetts-Bay*, on the one, and *New-York* on the other part, but each case must be determined according to its particular merits,

RESOLVED THEREFORE, That in all cases of disputes, arising between persons claiming under *New-Hampshire* or *Massachusetts-Bay* on the one and *New-York* on the other part, for the same lands, (besides confirming such possessions as were made under *New-Hampshire* or *Massachusetts-Bay*, prior to any grants for the same under *New-York*) the legislature

will submit the determination thereof, to such persons as the Congress of the United States, shall select or appoint for that purpose, to be determined according to equity and justice, without adhering to the strict rules of law.

PROVIDED ALWAYS, That nothing in these overtures contained, shall deprive any persons actually possessing lands under *New-York*, of the lands so by them severally actually possessed; but such persons shall be confirmed in their respective possessions.

RESOLVED, That nothing contained, either in the above mentioned or these resolutions, shall be construed to affect any disputes that may arise between any person independent of a claim under *New-Hampshire* or *Massachusetts-Bay*, on the one, and *New York* on the other part.

RESOLVED, That all persons shall be entitled to the benefit of the above-mentioned, and these resolutions, notwithstanding they may have withheld their allegiance from, and been in opposition to the government of this state since the first day of *May* last,

PROVIDED, That no person shall be entitled to such benefit, who shall have committed treason against the state, by adhering to the king of *Great-Britain*.

AND WHEREAS the said Senate and Assembly of this state, by their concurrent resolution, passed also in this present session of the legislature, have requested me to issue my proclamation, containing the substance of their concurrent resolutions aforesaid; and have thereby also authorized me in such proclamation, to pledge the faith of the legislature of this state, for the faithful performance of the several matters contained in their said concurrent resolutions,

NOW THEREFORE, *I do by these present, publish and proclaim* the concurrent resolutions of the Senate and Assembly aforesaid, above particularly recited, hereby pledging the faith of the legislature of this state, for the faithful performance of the several matters therein contained; and I do hereby require all persons concerned, to take notice thereof, and govern themselves accordingly.

*Given under my Hand and the Privy Seal of said State, at* Poughkeepsie, *on the Thirty-First Day of* October, *in the Third Year of the Independence of the said State, and in the Year of our Lord One Thousand Seven Hundred and Seventy-Eight.*

GEORGE CLINTON.

*By His Excellency's Command,*
STEPHEN LUSH, *P. Sec'ry.*

GOD SAVE THE PEOPLE."

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IT is apprehended that what has been already animadverted on the first of these proclamations, amounts to a clear refutation of the essential parts of both; especially to those who are acquainted with the circumstances of the granting and settling those lands, but to the public in general, who are not, the answer is not sufficiently explanatory: we have therefore thought it expedient, to make some additional observations on the first of them, with a full answer to the latter, Inasmuch as the leading gentlemen of the government of *New-York*, in both public and private company, when discussing on the controversy, do not hesitate, in the most positive manner, to affirm, and stake their honor, that their government have really offered (those deluded people) the inhabitants of *Vermont*, a full and authentic confirmation of their lands granted by *New-Hampshire* and *Massachusetts Bay*; but that they are, nevertheless, "refractory and licentiously disposed." The truth of this matter must be learnt from such part of the aforesaid proclamations called overtures,

which is all that ever have been pretended to be made from that government to those inhabitants.

Governor *Clinton's* first proclamation begins with an air of penitence, pointing out a number of grievances, which he admits those inhabitants "have laboured under, which, in some measure, extenuate their offence, "and which ought to be redressed." This then is the point at issue, whether these overtures are calculated for that purpose, or are adequate to it, or not: or whether they were not rather calculated to deceive and insnare the people to whom they were made.

"That the said contest was occasioned, partly by the issuing of divers "interfering patents or grants, by the respective governments of *New-*" *York*, on the one part, and those of *Massachusetts-Bay* and *New-Hamp-*" *shire*, on the other, antecedent to the late establishment of the eastern "boundary of this state."[1]

PREVIOUS to this establishment, which was in 1764, the government of *New-York* had granted but two small parcels of land in the now territory of *Vermont*, namely, the patent of *Hoosick*, in 1688,[2] which is supposed to extend into the township of *Pownal*, and include five or six thousand acres of land in said town, which is situate in the southwest corner of the state of *Vermont:* and also the patent of *Wallumscock*, in 1739, is said to interfere with the townships of *Shaftsbury* and *Bennington*, including about five thousand acres of land; these are all the *New York* patents which interfered with the limits of *Vermont*, at the time of the settlement of their eastern boundary.

"And partly by a number of grants made under the late government of *New-York*, after the establishment of the said eastern boundary, which had been granted by the governments of *New-Hampshire* and *Massachusetts-Bay* respectively, or one of them; in which the last mentioned grants by the late government of *New-York*, the interest of the servants of the crown, and of new adventurers, was, in many instances, contrary to justice and policy, preferred to the equitable claims for confirmation of those who had patented the lands under *New-Hampshire* or *Massachusetts-Bay*."—[From Gov. Clinton's proclamation of Feb. 23, 1778.]

This confession comes very near the truth, tho' in the sentence, "was, in many instances, contrary to justice and policy:" it should have been said, in every instance contrary to justice and policy. However, it in a great measure comprehends the main object of injustice on which the controversy arose, and consequently the main source of grievances may be deduced from it.

THE government of *New-Hampshire*, previous to the settlement of the said boundary line, (and when those lands were universally supposed to be in that government) had granted one hundred and thirty-six townships six miles square, in the territory of the now state of *Vermont*. Previous to these grants under *New-Hampshire*, the government of the *Massachusetts-Bay* had granted sundry tracts of land in the territory aforesaid, which in the settlement of the boundary line between them and *New-Hampshire* in 1739, fell within the jurisdiction of the latter, and was by them mostly confirmed to the original grantees under *Massachusetts-Bay*.

[1] This is a quotation from Gov. Clinton's proclamation of Feb. 23, 1778, on which Allen proceeds to comment. He goes on in the same way with quotations and replies, without stating that the quotations are from the New York proclamations.

[2] Printed 1765 in the text, but corrected in the margin.

No sooner had the government of *New-York* obtained jurisdiction of the said territory, but they proceeded to re-grant the lands aforesaid to new adventurers, in prejudice to the grantees and actual settlers under *New-Hampshire* and *Massachusetts-Bay:* but remonstrances from them against the oppressions of the government of *New-York*, as mentioned aforesaid, procured the king's prohibition, which is as follows:

"At a Court at St. James's the 24th Day of *July*, 1767.

Present, the KING'S most Excellent Majesty,

| | |
|---|---|
| *Arch Bishop of Canterbury*, | *Earl of Shelburn*, |
| *Lord Chancellor*, | *Viscount Falmouth*, |
| *Duke of Queensbury*, | *Viscount Barrington*, |
| *Duke of Ancestor*, | *Viscount Clarke*, |
| *Lord Chamberlain*, | *Bishop of London*, |
| *Earl of Litchfield*, | *Mr. Secretary Conway*, |
| *Earl of Bristol*, | *Hans Stanley, Esq.* |

"His Majesty having taken the said report, *viz.* A report of the Lords of the Board of Trade, into consideration, was pleased with the advice of his privy council, to approve thereof, and doth hereby strictly charge, require and command, that the Governor or Commander-in-Chief of his Majesty's Province of *New-York*, for the time being, do not, on pain of his Majesty's *highest* displeasure, presume to make any grant whatsoever, of any part of the lands described in the said report, until his Majesty's further pleasure should be known concerning the same.

*William Sharp.*

*A true copy*,
*Attest* GEO. BANYAR, *Dep. Sec'y.*"

The government of *New-York*, in the face of this prohibition, presumed still to regrant the said lands included in the aforesaid one hundred and thirty-six townships till nearly the whole was circumscribed in the limits of their subsequent patents, except an inconsiderable number of townships near *Connecticut*-river, which, on condition of surrendering to them the original charters under *New-Hampshire*, were at the exorbitant fees of two thousand and three hundred Spanish milled dollars per each township granted to the original grantees under *New-Hampshire* again, with a reservation of a much higher quit-rent than what was reserved in the original grants under *New-Hampshire*, and at a very great expence obtained: And it is worthy of a remark, that the said interfering patents from *New-York* were mostly made after the said prohibition was certified to them.

"That an absolute and unconditional discharge and remission of all prosecutions, penalties, and forfeitures, under the above-mentioned act, shall be an established preliminary to such overtures."—[Quoted from Gov. Clinton's proclamation of Feb. 23, 1778.]

As the laws alluded to in the said act were temporary, and the term for their continuing in force expired more than two years; consequently they were as tho' they had not been, in every sense, except that they intailed an eternal disgrace on the government of *New-York* for enacting them; which infamy hath been renued by the aforesaid proposal of a mock pardon; ushered in as an established preliminary to certain overtures, which the present government of *New-York* were making to the citizens of *Vermont*. It seems they expected that this would be considered as an eminent display of their goodness, and pave the way for their overtures which were equally empty and impertinent—the preliminary

containing no pardon, and the overtures confirmed no lands; as the arguments previously published, and in this defence again exhibitted, will clearly evince, to which the reader is referred.

"THAT with respect to all such cases concerning the aforesaid controverted lands, as cannot be decided by the rules exhibitted in the aforegoing articles, or some or one of them; the legislature of the state of *New-York* will provide for the determination of the same, according to the rules of justice and equity arising out of such cases respectively, without adhering to the strict rules of law."—[Quoted from Gov. Clinton's proclamation of Feb. 23, 1778.]

FROM fifteen years acquaintance with the government of *New-York*, *Vermont* is by no means willing to trust this important controversy to their decision of justice and equity, as it has hitherto deviated from every idea of those rules of moral rectitude which are practised by virtuous governments; their notions of justice and equity seem to be unnatural and unjust; at least, every sample of it which they have as yet exhibitted to those inhabitants appears to be so; probably a habit of inslaving their subjects has beat it into their heads, that it is just; and thus people commonly conceive it to be just to inslave *negroes*.

'TIS strange that the said legislature had not considered this difficulty which the said inhabitants labor under before they made the offer; for though the legislature may, for all that can be objected to their former conduct, be really honestly disposed; yet such a belief could hardly rationally be supposed to gain credit among a people who have suffered such flagrant and high handed oppressions from both the legislative and executive authority; and where it is the interest and very genius of the government, to inrich individuals on the tenantage, poverty and slavery of the great mass of their subjects, a little serious reflection might have determined them not to make such a proposal; and consequently, not have put us to the blush in answering the same. It is hoped that this freedom of writing will be excused, as we are obliged in this defence, to give our reasons for rejecting these overtures.

ACCORDING to the proposal of the aforesaid legislature, every inhabitant in the contested territory would be liable to a trial at law for his land, in some way which the legislature shall provide, for the determination of his title. Those inhabitants have spent too much money already in land trials at the *New-York* courts, but could never have the charters under which they held their land, so much as read in court.

BUT it may be argued, that agreeable to the articles of Confederation of the United States, that persons holding under grants from different governments, may have a right of petitioning for a decision, agreeable to the method therein prescribed. But this would give birth to new troubles. The farmers of *Vermont* are unskilled in law, and by no means a match for the over-grown wealthy *New-York* patentees; but insufficient as they may be supposed for the task, they have, upon this plan, to go thro' a course of law in the state of *New-York*; and then, for certain, have to petition agreeable to the mode of trial pointed out by the articles of Confederation; and it will be readily conceived, that not many of them are able to defray such an expence, or capable of managing such an important lawsuit. Besides, the articles of Confederation are not yet subscribed to by the several United States; and it is uncertain whether they ever will; especially as they now stand. And consequently the grantees holding under different grants have, as yet, no right to a decision by petitioning in the manner before-mentioned.

WE come now to the consideration of governor *Clinton's* last proclamation of the 31st of *October*, 1778.

"WHEREAS the Senate and Assembly of this state, did by concurrent resolutions, passed the 21st day of *February* last, propose certain overtures with respect to the controverted lands, in the north eastern parts of the county of *Albany*, and certain parts of the counties of *Cumberland*, *Charlotte* and *Gloucester*, in order to quiet the disorders prevailing in that part of the state.

"AND whereas the said resolutions have been misrepresented by some, and misunderstood by others, and are deemed not to apply to the cases of many persons entitled to relief," &c.

"AND whereas the Senate and Assembly, in order more effectually to remove such apprehensions, and more fully to explain the said resolutions, and manifest the equitable intensions of the legislature, have by concurrent resolutions passed this present session."

THE public would naturally by this specious introduction to the resolve hereafter to be mentioned, imagine that the aforesaid equitable intention of the legislature, would shine in robes of justice and generosity; and explain the first proclamation alluded to, in some spiritual sense, very different from its literal meaning: but instead of that, we find the subsequent patents under the government [of] *New-York* virtually confirmed, and the grantees and actual settlers under *New-Hampshire* and *Massachusetts-Bay*, exposed to the same or similar intrigues which they ever have been by that government since they laid their interfering patents on those lands, as will appear from the resolve itself. "*Resolved*, That with respect to all such lands which have heretofore been granted by the governments of *New-Hampshire* or *Massachusetts-Bay*, and have not been since granted by the government of *New-York;* that all such grants under *New-Hampshire* or *Massachusetts-Bay*, shall be confirmed and declared good, valid and effectual, to all intents and purposes, as if the same had been made by the government of *New-York*."

THIS resolve which the said legislature are pleased to call an overture to the inhabitants of *Vermont*, is a palpable insult and affront to the common reason of mankind; inasmuch as not only the same legislature as well as every of those inhabitants of common sense, very well know that all the lands of any considerable consequence which have been granted by the governments of *New-Hampshire* and *Massachusetts-Bay*, have been long since actually granted by the government of *New-York*, as has been before particularly represented; so that this last production from the senate and assembly of the state of *New-York*, as exhibitted in the said proclamation, is big with mischief and manifest design against the claimants and actual settlers under *New-Hampshire* and *Massachusetts-Bay*.

THE senate and assembly of the state of *New-York*, have in the same proclamation proposed a very extraordinary arbitration between them the said legislature, and the inhabitants of *Vermont*, and submit it to congress to appoint the arbitrators. Their proposal is as follows.

"*Resolved, therefore*, That in all cases of dispute arising between persons claiming under *New-Hampshire* and *Massachusetts-Bay* on the one, and *New-York* on the other part, for the same lands (besides confirming such possessions as were made under *New-Hampshire* or *Massachusetts-Bay*, prior to any grants for the same under *New-York*,) the legislature will submit the determination thereof to such persons as the Congress of the United States shall elect for that purpose."

THIS proposal is really whimsical, or calculated to rid themselves of the fulfilment of confirming certain possessions in the disputed territory, for the faithful performance whereof they pledged the faith of government, as may be seen in governor *Clinton's* first proclamation ; and the

absurdity and utter impracticability of such a confirmation being pointed out in the answer to the same of the 9th of August last. It seems that the said legislature have indeavored to rid themselves of this difficulty by laying it on congress: but it should be considered that neither the said legislature or congress, are parties concerned in the case; the dispute, as it respects the interfering grants, lies between the grantees of the three governments respectively: they, and only they, have a right of trial at common law, or to refer it to arbitration, provided they agree; but it is no part of the business of the said legislature or of congress, or both together, to bring forward such an arbitration as the said resolve proposeth: as on supposition, (for congress are too wise to do it) should congress adopt the said proposal, and elect certain men to determine a dispute between the legislature of the state of *New-York* and the inhabitants of *Vermont*, and suppose furthermore, that such decision should be in favor of the inhabitants; yet this would be no bar against a process at law against those inhabitants by the *New-York* patentees, who would, after a hundred such chimerical arbitrations, have the same right of trial at common law, as they now have; for the legislature of the state of *New-York* cannot be supposed to be a party in these cases or to have any right to an arbitration, any more than the legislature of the state of *South-Carolina*, or any indifferent person whatsoever, nor is it possible for the legislature of the state of *New-York* or Congress, to settle those disputes any other ways but upon the principles of common law, so that the proposal of the said legislature appears to be weak and impertinent.

THESE overtures bear a near resemblance to those of the *British* parliament to the united states; in which cases it is not to be supposed, that there was any sincerity. No favor is either asked or expected by the inhabitants of *Vermont* from the legislature of the state of *New-York;* they do not blame them for not confirming their grants under *New-Hampshire* and *Massachusetts-Bay*, for they know that inasmuch as the same lands have been since granted by the late government of *New-York*, it is out of their power to confirm their possessions; but they blame them for pretending to do it when they know they cannot do it: and also that they do not design to do it, as appears from the curious reserve of confirming "all such lands which have heretofore been granted by the governments of *New-Hampshire* or *Massachusetts-Bay*," next follows the bite, "and have not been since granted by the government of *New-York*."

FROM the foregoing animadversions on these proclamations it manifestly appears, that the new government of the state of *New-York*, are pursuing the measures adopted by the old; which is the plan that they are determined to affect [effect] or nothing at all. From first to last they have put all at stake upon it; and it is no ways probable that they so much as desire to comprehend *Vermont* in their jurisdiction abstractly considered from it, for the hatred subsisting between them and those inhabitants, is similar to the *British* and *American* aversion.

NOTHING can be more repugnant to the polity and genius of that government, than to extend their jurisdiction as aforesaid, on any other terms, but to engross the lands, and vassalage its inhabitants. To illustrate this proposition we will suppose this territory to be included in the jurisdiction of *New-York;* and likewise, that it was populated, and the inhabitants held their property in that equal manner which they do at present; or as is common in the New England states, which will be the case, provided the right of soil be held under the *New-Hampshire* grants; this would make a discord in the government, and be a standing reproach to the inslaved part of the state; from whence animocities and

strife would constantly arise, as one party would be for slavery, while the other would be for liberty, which would imbroil the government, and end in a civil war; for their genius, polity, temper, spirit and manners, would be as diametrically opposed to each other as they now are, or as liberty is to slavery. A people so opposite to each other in civil, political, and we may add, religious sentiments, can never subsist long under the same government, for the demonstration whereof we appeal to the current history of mankind.

And this the government of *New-York* has been very sensible of; and therefore have from first to last exerted themselves to divide the disputed territory into large patents among themselves and favorites, so as not to endanger their slavish mode of government, and avoid the difficulties before-mentioned, by indeavoring to reduce those brave inhabitants to submit to be their tenants; which, if they could once effect, their spirit would dwindle away and expire with liberty: but is it not altogether probable, that those inhabitants who have suffered so much from *Yorkish* and *British* tyranny, will yet take the field against the government of *New-York* (if need be) and at the muzzle of their firelocks convince them of the independency of the state of *Vermont*; and that their said patents are no more than an intrusion on the rights of the *green Mountain boys.*

This the government of *New-York* are also apprised of, and are therefore indefatigable in their applications to congress to procure a resolution prohibiting the government of *Vermont* from any further proceedings as such, and to decree, that the free citizens thereof, shall submit to the government of *New-York:* imagining that in consequence of some such like resolve, that they may procure a sufficient force from the united states to carry into execution the reduction of *Vermont;* an enterprise which their own militia seem not inclined to undertake. Such sanguine expectations as these from a government which have been very sparing in promoting the independency of the united states; and which have been wire-drawn into congress county by county; and which have afforded such great numbers of disaffected inhabitants to the common cause, whose malignant influence hath probably done as much mischief and damage to the public weal, as the brave and virtuous exertions of their well affected inhabitants could do to forward and promote it. Nothing could be more romantic than for such a government to expect that the power of the united states should be exerted against their meritorious friends the citizens of *Vermont*, to effect that which they had attempted with their militia, and were not able to accomplish on a trial of many years, while under the king of *Great-Britain;* and which at this time those citizens apprehended to be out of their power.

At present the people of *Vermont* have no apprehensions that their brethren in the united states will so evilly requite them for their many important services to the common cause, as to assist the government of *New-York* to subjugate them to their despotism.

The government of *New-York* never had a just right of jurisdiction over the territory of *Vermont.* It was obtained by their solicitation ex parte, and without either the knowledge or approbation of the inhabitants, who as soon as opportunity permitted, remonstrated against it before the king and council; and furthermore complained of the oppressions of that government in appropriating their lands and possessions for the emolument of their favorite adventurers.

Had the government of *New York* sanctified the base and illegal manner of acquiring a pretended legal claim of jurisdiction, by a virtuous and benevolent administration; and in stead of monopolizing the soil had confirmed the prior grants, under the governments of *New-Hamp-*

*shire* and *Massachusetts-Bay*, clear of fees and expence : the inhabitants would probably, by degrees, have excused them, and reluctantly submitted to their government; but inasmuch as the reverse of this has taken place, and a premeditated design of usurpation hath uniformly manifested itself in acquiring the claim of jurisdiction, and exercising the same; it ought therefore in justice to be considered as null and void from the beginning, on account of the illegal measures, false representations, and undue influence, under which it was obtained and exercised. Furthermore tho' the government of *New-York* had ever so good and legal a claim to the jurisdiction, the mercinary, oppressive, and inhumane use which they have made of it considered abstractly, should in justice, and agreeable to the rules of sound policy, be a final bar against any further exercise thereof.

The inhabitants on the west side of the range of green mountains, never pretended to associate or connect with the government of *New-York* in any sense whatsoever, but have managed their internal and external police wholly independent of them, as has been before related: though that government have made use of every artifice and low cunning to intice and persuade them to it; *viz.* by proposing a confirmation of lands to certain persons which they thought to be fit instruments to enslave the rest: commissions civil and military were likewise proposed to some with like views, but the main body of the people were virtuous; and not only so, they had not the offer of either a confirmation of their lands or a commission to every of them, and it is most probable, that these offers which were actually made were fallacious; and that if the said government had been confirmed, the proposed favorites would have shared much the same fate as is probable the tories would have done in consequence of the subjugation of the country at large by the government of *Britain*. However there were a number of depraved and mean spirited rascals which bit at the bait, and would probably have assisted that designing government of land clenchers to divide the people, and finally inslaved them, had not the integrity and heroism of the green mountain boys prevented it, making it dangerous for any to except [accept] such commission, or secure his farm on the ruin of his neighbors. Nevertheless the same sort of intrigues more or less took place on the east side of the said range of mountains: the counties of *Cumberland* and *Gloucester* were erected, and for a time partly established under the jurisdiction of *New-York*, and in violation of the then king's authority, but injustice and oppression reigned to such an intolerable degree, that strife and opposition to the government was the consequence which finally terminated in the *Westminster* massacre on the 4th [13th] day of March 1774, [1775,] which put a final period to the grand usurpation of the government of *New York* on the east side of the range of green mountains, and the main body of the people from that time until now have reprobated the government of *New York*, and have not suffered a court to be convened and held in either of those counties, under the jurisdiction of *New-York* ever since, though that government have to this day been carrying on some of their former cunning at *Brattleborough*, and a few other towns situate in the southeast corner of the state.

At the time the government of *New-York* confederated with the other states, the inhabitants of *Vermont* had formed their constitution, elected their chief, and other magistrates, and were in full possession of government; and as they were free and unconnected with any state or body politic, had a just right so to do. This right they received from nature, nor were they beholden to the government of *New-York* or any other power short of the *omnipotent*. *New-Hampshire* had forsaken and wholly neglected them, and *New-York* tyrannized over them as much as

they possibly could, (or dare,) and they were a people between the heavens and the earth, as free as is possible to conceive any people to be; and in this condition they formed government upon the true principles of liberty and natural right; nor can the government of *New-York* acquire any right of jurisdiction over them in consequence of confederating with the other free states of *America;* inasmuch as the state of *Vermont* was at that time not only independent of the state of *New-York*, but of any and every of the united states.

THE royal adjudication of the boundary line afore-mentioned, was temporary in its nature, and arbitrary in its extention, and conveyed nothing of the nature of a charter, grant, or permanent jurisdiction to the government of *New-York*, but received its life and spirit by a mistical communication which it may be supposed to have every moment from the sovereign will of the royal adjudicator; from that source only this line drew all its support, as the branch does from the vine from whence it springs; and the declaration of independence cutting the vital union, occasioned this line like a lamp to go out which is exhausted of oil, and leave no traces of its existence; from which moment the imaginary claim of the *New-Yorkish* jurisdiction over the territory of *Vermont* expired, and the inhabitants thereof reverted to a state of nature. Thus it appears that the government of *New-York* 1stly forfeited their claim of jurisdiction by the illegal measures made use of in accquiring it. And 2dly, by the illegal and oppressive exercise of it. And 3dly and lastly, they have lost it by the annihilation of the *English* king's authority in consequence of the late revolution, by which means the said adjudicated oppressive jurisdictional line became null and void to all parties, and is as though it had not been.

FURTHERMORE, this frontier country was under the greatest necessity of forming government; the inhabitants were obliged to exercise not only an internal policy among themselves, but an external policy against foreign invasions; this they dare not trust to the management of the government of *New-York*; who, we have but very little reason to doubt, would rejoice to have had the inhabitants cut off, that their lands might fall into their hands; an object which they have been unsuccessfully pursuing for many years.

THE government of the infant state was, as it were, in *embryo*, when the haughty general *Burgoyne* was penetrating the country; his spacious proclamation filled the air with a tyrant's awe, intimidated the weak, the servile and base, but inraged the strong, the generous and the brave. Mean while the council of the new state was very indefatigable in forming designs against him; not only by forming their own militia into regular battalions under brave officers in order to oppose him, but by exciting the government of *New-Hampshire* to assist them: while these matters were transacting, general *Schuyler* ordered the militia of this state to march to *Saratoga*, but government would not permit it, inasmuch as they apprehended that *Bennington* and its vicinity was an object of destruction by the enemy. However the brave general STARK with his detachment arrived at a lucky moment, and being chearfully joined by the green mountain boys, fell on the enemy with relentless fury, which terminated in the two memorable and glorious battles of *Bennington*, and was the first check to the progress of a formidable enemy; which proved the salvation of the new state, and had its salutary influence on the depending cause of the independent states of *America* at large, and is a striking proof of the good policy of assuming government.

ANY one who is acquainted with mankind, and things, must know that it would be impracticable to manage the political matters of this country without the assistance of civil government. A large body of people des-

titute of it, is like a ship in the sea without a helm or mariner, tossed with impetuous waves. They could not enjoy domestic peace and security, considered abstractly, from a *British* war and *Yorkish* usurpation, without civil regulations; the two last considerations do in the most urgent manner excite them to strengthen and confirm the government set up by the consent, approbation and authority of the people, which is the fountain of all temporal power, and from which the citizens of *Vermont* have already experienced such signal advantages. This puts them on an equal footing with their *New-York* adversaries, and will finally enable them to baffle all their machinations and devices which nothing else can possibly do.

USURPATION and injustice was the primary cause of the separation and revolt of the *English American* colonies from *Great-Britain;* and this was also their grand reason and justification for so doing, and consequently the ground of their right to independency. These reasons are abundantly conclusive and satisfactory, as exhibitted by congress at large; and there appears to be a great degree of similarity in this controversy with the *British* government with that of *Vermont* against the government of *New-York*, except in this respect, that the territory of *Vermont* was never under the jurisdiction of *New-York;* although by fraud, injustice, and the conniving of the *British* court, they procured a royal order, purporting such a claim; which, in reality, originated from a complication of interested and tyrannical views, between them and the *British* court; the latter promoted and extended the power and influence of the former in *America*, to promote and aid in the subjugation of it; (for at that time the projection was forming) and it is well known that *New-York* was their favorite government; and it hardly admits a dispute but that the intrinsic cause of the royal extension of the jurisdiction was to corroborate the designs which have since been attempted against *America;* this and the *Quebec* bill was of a piece, and the motive of their extention the same, to more effectually bribe them governments to their interest, as subsequent and reciprocal transactions may more fully evince.

BUT to proceed with the parallel. The *British* government claimed an exclusive right of taxing the colonies in all cases whatsoever; such a prerogative would unavoidably have terminated finally in abject slavery, as has been fully illustrated by many ingenious writers, and verified by the universal experience of mankind; but the government of *New-York* took a more direct and immediate method, for at one blow they struck at the landed property of every of the inhabitants of *Vermont*, by stretching their subsequent interfering patents over them; this was more like a combination of land thieves, than a government, who coveting the lands and labors of the inhabitants, which, but a little before by iniquitous concerted measures at the *British* court (instead of slaves) they proved to be denominated their subjects. The mutilating the charter of the *Massachusetts-Bay* by the *British* parliament, was a high handed stride of arbitrary power, and struck the very nerves of liberty, but not so fatal as though they had appropriated the soil of the colony to new adventurers, as in the instance of the interfering patents before-mentioned; for nothing which can be done to any people is capable of so effectually inslaving them, as the monopoly of their lands; when this is the case with a people it is idle for them to dispute any more about liberty; for a sovereign nod of their landlord, cannot fail to overawe them, and by degrees erase the natural images of liberty from the mind, and make them grovel out a contemptable and miserable life.

THE detestable acts of outlawry passed the 9th day of *March* 1774, by the legislative authority of the colony of *New-York*, particularly against the inhabitants of *Vermont*, was, in substance, a positive declaration of

war against them: by these acts they declared those inhabitants out of their protection; and abdicated the government, provided they may be supposed at that time to be possessed of any right thereto. The fact is, they appealed to arms; in this case they must effect the conquest of *Vermont*, or give up their pretensions to the government thereof. The inhabitants of *Vermont*, on the 26th day of *April* following, published a declaration of a defensive war against the government of *New-York*, as aforesaid, and warlike preparations were making on both sides; but the *British* invasion has procrastinated the determination of the matter till this time; and when this great and astonishing revolution shall be fully settled, ratified, and confirmed, it will be early enough for *New-York* and *Vermont* to proceed to the settlement of their controversy.

BUT to continue the parallel. Those acts of outlawry, according to the express tenor thereof, impowered their courts of judicature, to award sentence of death against any of those inhabitants as should be capitally indicted, although they were not personally before such court; and in like manner any other sentence of punishment short of death, against any of the said inhabitants which should be criminally indicted without any hearing, mearly on indictment itself; and also gave a full indemnification to any and every of their subjects, for killing, maiming or wounding those inhabitants which opposed such execution of law: in fine, the real designs of these laws were to obtain possession of the farms of those inhabitants, or to make those who had the magnanimity to oppose them outlaws, and kill them where ever they could be found, that they might possess and enjoy the country; for such as they could not kill on the spot they only had to indict capitally, and procure a sentence of death against them, from their court of judicature, (which was easily done,) and then every of their subjects or ruffians, became legal executioners; and from motives of public or private rewards, were at liberty, nay under obligations to kill and exterpate them from the lands coveted, in any manner and by any stratagem which might best serve such inhumane purposes; for all which savage cruelties, the parpetrators had governmental indemnification; and thus the inhabitants (which they would fain have to be their subjects,) were obliged either to give up their inheritance, or, in the *Yorkish* sense of the word become outlaws, fellons, rioters, etc., and be subjected to the dangers and hazards of the shocking evils before mentioned, which nothing but the daring spirit and unconquerable fortitude of the green mountain boys prevented taking place.

MUCH more might be said as to the injustice, tyranny, oppression, and malevolence of these laws, but it is needless to animadvert any further on them, inasmuch as they carry their own refutation along with them; they are therefore subjoined verbatim to this vindication; with the original answer to the same, published soon after they made their public appearance, and submitted to the public consideration; with this observation, that among the arbitrary edicts of the *British* government towards the colonies, none were equally oppressive to this, except their declaration of war. Their act for transporting the subjects of the colonies across the sea for trial for crimes committed, or said to be committed, in this country, was a daring stroke against the liberties of a free people; for though they were permitted a personal hearing, yet it was attended with great embarrassments, and insurmountable evils and disadvantages, to be forced to a trial in a strange country, destitute of acquaintance, friends, or evidence, to make a defence; and probably without money or credit: this would be a shocking condition to be reduced to, especially by law, the original design of which, was to protect and promote the liberty and happiness of mankind. This bears a near resemblance to those acts of outlawry, tho' it is hardly so replete

with malicious turpitude; and therefore a more certain destruction would have been the fate of the inhabitants of *Vermont*, had those laws taken place; who, on a land jobber's indictment, and land jobbing court's judgment, without hearing, [were] to suffer death, or other punishment, by virtue of the laws of an infamous land jobbing legislature.

THE local distance of *Vermont* from the seat of government in the state of *New-York* is near four hundred and fifty miles from its extream parts, which would make government chargable and inconvenient; and abstracted from all other considerations, would constitute a sufficient reason for the independence of *Vermont;* nevertheless, provided those inhabitants were obliged to submit to the government of *New-York*, they would wish to have the distance ten times greater.

THE people of *Vermont* consider themselves as being virtually in union with the united states from the time that they took possession of lake *Champlain*, and the garrisons depending thereon, in behalf of the united states, in May 1775; from which early period of the revolution, they have taken an active part with them, and have pursued invariable, the same object, *viz.* liberty; have participated in all their troubles; and with them have hazarded all that is worth living or dying for: such a combination of interests, and mutual co-operation, in securing and defending the same, constitutes the very nature and essence of union and confederation, nor can there be more than a meer formal declaration requisite to fully establish a confederation between them.

AND *lastly.* A confederation of the state of *Vermont* with the other free and independent states, cannot fail of being attended with salutary consequences to the confederacy at large for ages yet to come. What a nursery of hardy soldiers may in future be nourished and supported in this fertile country, (which is one hundred and fifty miles in length, and near sixty in breadth,) stimulated with the spirit of liberty, having a perfect detestation and abhorrence of arbitrary power, from the exertion of which they have suffered so much evil; will instill the principles of liberty and social virtue in their children, which will be perpetuated to future generations; their climate and interior remove from the sea coast, will naturally be productive of a laborious life, by which means they will be in great measure exempted from luxury and effeminacy, and be a valuable support to the rising empire of the new world.

THE following Votes and Proceedings of the Legislature of the Colony of *New-York* are subjoined to this Vindication; and also the Votes and Proceedings of the General Committee for the Inhabitants of the *New-Hampshire Grants* in Answer thereto: And likewise, the Acts passed by the Legislative Body aforesaid, the 9th of *March* Ultimo, and Remarks on the same, which here follow in their order, as they were published in sundry public News-Papers in *America.*

From the *New Hampshire Gazette*, No. 914.

"*At a general meeting of the committee for the several townships on the west side of the range of green mountains granted under the great seal of the province of* New-Hampshire, *held at the house of Mr.* Eliakim Wellers, *in* Manchester, *on the* 1*st day of* March, A. D. 1775 [1774;] *and afterwards, by adjournment, at the house of Capt.* Jehiel Hawley, *in* Arlington, *on the third Wednesday of the same month; at which several times, and places, the* New-York *Mercury No.* 1163, *was produced; which contains an extract from the votes and proceedings of the General Assembly of the colony of* New-York, *which is as follows*, viz.

"DIE SABATI, 10 HO. A. D. 5th February, 1774.

"MR. [*Crean*] *Brush*, (in behalf of Mr. *Clinton*, chairman) from the grand Committee reported, that he was directed by the said Committee, to make the following report to the house, *viz.* That the said Committee, having taken into consideration the petition of *Benjamin Hough** in behalf of himself, and many of his Majesty's subjects, inhabiting the county of *Charlotte*, and the north-eastern district of the county of *Albany;* complaining of many acts of outrage, cruelty, and oppression, committed against their persons and properties, by the *Bennington* MOB, and the dangers and injuries to which they are daily exposed, and imploring that this house will take them under their protection, and secure them against future violence; and the said committee, having also duly considered the several proofs and depositions presented in support of the truth of the said petition, do therefore resolve,

"1. THAT it appears to this committee, that there, at present, prevails in part of the county of *Charlotte*, and in the north-eastern district of the county of *Albany*, a dangerous and destructive spirit of riot and licentiousness, subversive of all order and good government; and that it is become an intolerable grievance, which requires immediate redress.

"2. RESOLVED, That it appears to this committee, that many acts of outrage, cruelty, and oppression have been there perpetrated by a number of lawless persons calling themselves the *Bennington* MOB, who have seized, insulted, and terrified several magistrates and other civil officers, so that they dare not exercise their respective functions; riscued prisoners for debt, assumed to themselves military commands, and judicial power; burned and demolished the houses and property, and beat and abused the persons of many of his majesty's subjects; expelled them from their possessions, and put a period to the administration of justice, and spread terror and destruction through that part of the country which is exposed to their oppression.

"3. RESOLVED, That it is the opinion of this committee, that the complainants before this house, and others, who inhabit part of that colony, and from respect to government, will not countenance or be concerned in the said riotous proceedings, are exposed, from the violence of the rioters, to eminent danger, both in persons and properties; and that they stand in need of immediate protection and succour.

"4. RESOLVED. That it appears to this committee, that *Ethan Allen*, *Seth Warner*, *Remember Baker*, *Robert Cochran*, *Peleg Sunderland*, *Silvanus Brown*, *James Breakenridge*, and *John Smith*, are principal ringleaders of, and actors in, the riots and disturbances aforesaid; and that it is, therefore, the opinion of this committee, that an humble address be presented to his excellency, desiring that he would be pleased to issue a proclamation, offering a reward of fifty pounds for apprehending and securing any or either of the persons above named, in his majesty's goal in *Albany;* and commanding the magistrates, and other civil officers of the counties of *Albany* and *Charlotte*, to be active and vigilent in suppressing the said riots, and preserving the public peace and good order, as well as for bringing to justice the perpetrators and authors of said riots.

* *Note by Mr. Slade:*—It appears from Allen's history, that Benjamin Hough had accepted, and officiated in, the office of justice of the peace, under the authority of New York. Being arrested and brought before the Committee of Safety at Sunderland, he pleaded the jurisdiction and authority of New York, but was answered by the decree of the *Convention*, which forbid all persons holding any office, civil or military, under the colony of New York.

In the presence of a large concourse of people, the following judgment was pronounced. "*That the prisoner be taken from the bar of this Committee of Safety and tied to a tree, and there, on his naked back, to receive two hundred stripes; his back being dressed, he should depart out of the district, and on return, to suffer death, unless by special leave of Convention.*"

"5. RESOLVED, That it is the opinion of this committee, that a bill be brought in, more effectually to suppress the said riotous and disorderly proceedings, maintain the free course of justice, and for bringing the offenders to condign punishment.

"Which report he read in his place, and afterwards delivered it in at the table, where the said resolutions were severally read a second time, and it was resolved that this house doth agree with the committee in their said resolutions.

"ORDERED, That a bill be brought in, pursuant to the last resolution, and that Mr. *Brush*, and Col. *Ten Broeck*, prepare and bring in the same.

"Ordered, that Capt. *Delancy*, and Mr. *Walton*, wait on his excellency the governor with the foregoing address and resolutions of the house."

MR. *Nathan Clark*, chairman of the committee of the *New-Hampshire* settlers aforesaid, ordered the clerk to read the resolves and votes aforesaid, to the general committee, which was accordingly read, sundry times, and the following draught being presented in answer thereto, to the publick meeting; seven persons were selected and chosen out of the said general committee to examine the same, and report their opinion thereon, which here follows.

"WHEN we consider the numberless troubles, and almost insurmountable difficulties which our infant settlements have been forced to struggle with, since its first beginning, which have been occasioned by an unequal and biassed administration of law, ever since our unhappy misfortune of being annexed to a government in which the interests of the greater part of the leading gentlemen thereof, are in direct opposition to our's. The tyrannical measures they take to enslave us, (we hope) will not fail to justify us in the following arguments and resolves thereon; for we think it an intolerable hardship, and piece of inhuman cruelty, that we cannot be said to give sufficient proof of our loyalty and obedience to government, but at the resignation of our whole fortunes, in the purchase and improvement of which, we have suffered an infinity of hardship. While we view the spirit of the general assembly in their resolves, we cannot but reflect with some regret, on what may, of consequence, prove the result (without an alteration) of their present opinion; but there are scarce any circumstances that entirely exclude hope; therefore we are not yet in total despair; for this moment we happily call to mind, that the general assembly of the same province, about two years ago, did annex all that part of the *Bay* province, west of *Connecticut*-river, to that UNLIMITED county of *Albany;* but their avaricious grappling not being of a sufficient strength for such an unreasonable burthen, it failed, by which they lost their ideal booty.

"THE reader will doubtless observe, that in the resolves of the assembly aforesaid, there is not a single word mentioned in regard to the title of the land contested for, but that they level all their spleen, and point all their malice at notorious rioters, as they call them, and make a pretended shew and figure, as though they were great sticklers for good order and government; although, at the same time, every person of common sense, who has had any acquaintance and knowledge of the controversy, absolutely knows, that our goodly land, with the labour thereon, is the only subject matter, and grand object, of the whole controversy; and give the *New-Yorkers* but that, and the matter would be accomplished to their eternal satisfaction; and it is presumed the words riotous, disorderly, licentious, &c. would not be printed again on account of the *New-Hampshire* grantees and present occupants, for the whole course of the succeeding century.

"FOR, the truth of the case is, the executors of the law are most, (if not all,) of them the pretended claimants to the lands whereon the *New-Hampshire* grantees and occupants dwell; and their judgment on writs of ejectment, brought by the *New-York* patentees, have not hitherto failed to correspond with their imaginary interests; but were they honest men, they would not undertake to be judges in their own case, or in any other wherein the resolution thereof would make a president [precedent] for their own, especially in title of land, wherein judge and plaintiff are connected in one common interest: such a distribution of law is contrary to the law of reason and nations.

"THEREFORE, our case stands thus; if we submit to their executions of law, and become obedient and submissive subjects of their designing government, we must soon yield to be their tenants and slaves; and we cannot see reason to conform to any law which will apparently bring us and our posterity into bondage, or manifestly deprive us of our property; but inasmuch as we boldly adhere to the maintenance of our property, which to us is very precious, as it would be to the *New-Yorkers*, was it in their hands. We find it is immediately recommended to the governor of the province, by the general assembly, to issue his proclamation, offering therein large sums of money to apprehend those notorious rioters, (as they are pleased to stile them.) It must, indeed, be shocking to common sense, when the reader comes to observe what notorious complaints, and most horrid accusations are set forth in the resolves of the general assembly of *New-York*, mentioned in the fore part of this paper, against thousands of hard labouring, industrious, honest peasants, who are, in truth, loyal subjects of the crown of *Great-Britain*, for their violations of law and government; when, at the same time, the following express orders from his most sacred majesty to that litigious government of *New-York*, will plainly show, that they do not make the least hesitation to rebel and act in direct opposition to the authority of the crown; when (as in the present case) they shew a disposition to take advantage of the minor part of those under their government, and throw them into contention and disorder, and thereby build their fortunes on the ruin of the pretended aggressors, (and all under the specious pretence of good order and government) which is, in fact, what they eventually aim at, as will appear by the following order.

"*At a Court at St. James's, the 24th day of July*, 1767.

PRESENT,

The KING'S Most Excellent Majesty,

*Archbishop of Canterbury*,
*Lord Chancellor*,
*Duke of Queensbury*,
*Duke of Ancester*,
*Lord Chamberlain*,
*Earl of Litchfield*,
*Earl of Bristol*,
*Earl of Shelburne*,
*Viscount Falmouth*,
*Viscount Barrington*,
*Viscount Clarke*,
*Bishop of London*,
*Mr. Secretary Conway*,
*Hans Stanley, Esq.*;"

THE petition, and report thereon, by the lords of trade and plantation affairs, is too prolix to be inserted in this paper; the royal order is therefore only transcribed, which is as follows.

"HIS majesty, taking the said report into consideration, was pleased, with the advice of his privy council, to approve thereof, and doth hereby strictly charge, require and command, that the governor or commander

in chief of his majesty's province of *New-York*, for the time being, do not, upon pain of his majesty's highest displeasure, presume to make any grant whatsoever, of any part of the lands, described in the said report, until his majesty's further pleasure shall be known, concerning the same.

A True Copy, WILLIAM SHARPE.

Attest GEO. BANYAR, *Dep. Sec'ry.*"

"NOTWITHSTANDING this prohibition, and one or two more of the same general import, and from the same authority, the government of *New-York* have lapped their patents on the *New-Hampshire* charters, and in consequence thereof, demand, at common law, the land on which the *New-Hamphsire* grantees and occupants dwell; and from hence has arisen the numerous troubles and disturbances between the government of *New-York* and its discontented subjects, the settlers under *New-Hampshire*. This has also been the source of all licentiousness and confusion, riotousness, &c. complained of by that government against the settlers aforesaid.

"AND whereas the true state of our grants hath been already laid before the worthy lords of the board of trade and plantation, and they, having considered and wisely deliberated upon its several circumstances, did on the third day of *December*, A. D. 1772, make their report in favor of the *New-Hampshire* grantees, to his most gracious majesty, whose royal confirmation we daily expect; and on the credit and good faith of this report, many hundreds of industrious (and many of them wealthy) families have purchased and moved upon the *New-Hampshire* grants, nothing doubting of that title,

"We, therefore, humbly report to the said general committee of the *New-Hampshire* grants, as our opinion,

"1. That as we ever have, so for the future we will remain loyal and dutiful subjects to our most rightful sovereign GEORGE the third, and demean ourselves agreeable to the good and wholesome laws of the realm, and fight for the dignity of his majesty's crown and government, at all times, when there may be a call for it; viewing him as our political father, and relying on him to be protected in our property.

"2. That, as we purchased our lands of one of his majesty's governors, and on the good faith of the crown of *Great-Britain*, we are determined to maintain those grants, against all opposition, until his majesty's royal pleasure shall be known in the premises.

"And whereas we have never made any further resistance to government, than the law of self-preservation, which the law of GOD and nature enjoins on every intelligent, wise, and understanding being; we, therefore, are fully of the opinion to resolve,

"3. That such of the magistrates and governmental authority of the province of *New-York*, as have pursued, and have been accessary in the scheme of indicting our friends and neighbors as rioters; and have, by intrigue and stratagem, of various sorts, endeavored to take them, and punish them as criminals; thereby to dishearten and terrify the *New-Hampshire* settlers to that degree, that they may tamely be disinherited; have acted contrary to the spirit and design of the good and righteous laws of *Great-Britain*, which, under a just administration, never fail to secure the liberty and property of the subject; are thereby guilty of great inhumanity to its respective subjects. We therefore resolve, That as a country, we will stand by, and defend our friends and neighbours so indicted, at the expence of our lives and fortunes. And we would recommend it to the general assembly of the province of *New-York*, to wait the determination of his majesty, relative to the title of those lands, and de-

sist from taking us as rioters, to prevent the unhappy consequences that may result from such an attempt.

"And fourthly, and lastly, resolved, That, for the future, every necessary preparation be made, and that our inhabitants hold themselves in readiness, at a minute's warning, to aid and defend such friends of our's, who, for their merit to the great and general cause, are falsely denominated rioters; but that we will not act any thing more or less, but on the defensive, and always encourage due execution of law in civil cases, and also in criminal prosecutions, that are so indeed; and that we will assist, to the utmost of our power, the officers appointed for that purpose.

"The foregoing arguments, narrations and resolves, being laid before the general committee of the *New-Hampshire* grants, was read sundry times, and carefully examined; and after mature deliberation, Mr. *Clark*, chairman, put the votes to tryal, whether the foregoing was approved of as an answer to the resolves of the general assembly of the province of *New-York?* and it was passed in the affirmative. And it was furthermore the advice of this committee, that the foregoing be forthwith exhibited in the public papers, to the intent that all officers, magistrates, and persons whatsoever, may know, that if they presume to take the rioters aforesaid, they do it on their peril.

Certified per NATHAN CLARK, Chairman.
JONAS FAY, Clerk.

*Bennington, April* 14, 1774.

*The following Law of the Colony of* New-York, *was passed the 9th Day of March*, 1774.

"An Act for preventing tumultuous and riotous Assemblies in the places therein mentioned, and for the more speedy and effectual punishing of the Rioters.

"WHEREAS *a spirit of riot and licentiousness has, of late, prevailed in some parts of the counties of* Charlotte *and* Albany, *and many acts of outrage and cruelty have been perpetrated by a number of turbulent men, who, assembling from time to time, in arms, have seized, insulted and menaced, several magistrates, and other civil officers, so that they dare not execute their functions—rescued prisoners for debt—assumed to themselves military commands, and judicial powers—burned and demolished houses and property, and beat and abused the persons of many of his majesty's subjects—expelled others from their possessions—and finally, have put a period to the administration of justice within, and spread terror and destruction throughout, that part of the country which is exposed to their oppression: Therefore, for the preventing and suppressing such riots and tumults, and for the more speedy and effectual punishing the offenders therein,*

"1. *Be it enacted*, by his Excellency the Governor, the Council, and the General Assembly, and it is hereby enacted, by the Authority of the same, That, if any persons, to the number of three, or more, being unlawfully, riotously, and tumultuously assembled, within either of the said counties, to the disturbance of the public peace, at any time after the passing of this act, and being required or commanded, by any one or more justice or justices of the peace, or by the high sheriff, or his under sheriff, or by any one of the coroners of the county where such assembly shall be, by proclamation to be made in the king's name, in the form herein after directed, to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, shall, to the number of three, or more, notwithstanding such proclamation made, unlawfully, riotously, and tumultuously remain or continue together, to the number of three, or more, after such command or request made by proclamation, shall, for every such offense, upon conviction thereof, in due form of law, either in the supreme court of

judicature of this colony, or at the courts of oyer and terminer, and general goal delivery, or at the general sessions of the peace, to be held respectively in and for the said counties of *Albany* and *Charlotte*, or either of them, suffer twelve months imprisonment, without bail or mainprize, and such further corporal punishment as the respective courts before which he, she, or they, shall be convicted, shall judge fit, not extending to life or limb; and before his or her discharge, shall enter into recognizance with two sufficient sureties, in such sum as the said courts shall respectively direct, to be of good behaviour and keep the peace towards his majesty and all his subjects, for the term of three years from such his, her, or their discharge out of prison.

"2. *And be it further enacted* by the authority aforesaid, That the order and form of the proclamation which shall be made by the authority of this act, shall be as hereafter follows, that is to say: The justice or other person, authorized by this act to make the said proclamation, shall, among the said rioters or as near to them as he can safely come, with a loud voice command, or cause to be commanded, silence to be kept while proclamation is making; and shall then openly with a loud voice make, or cause to be made, proclamation in these words, or to the like effect: *our sovereign lord the king, chargeth and commandeth all persons being assembled, immediately to disperse themselves, and peaceably to depart to their habitations, or to their lawful business, upon the pain contained in the act made in the fourteenth year of the reign of King* GEORGE *the third, to prevent tumultuous and riotous assemblies.* And every such justice or justices of the peace, sheriff, under sheriff or coroner, within the limits of the respective counties, where they reside, are hereby authorized, impowered, and required, on notice or knowledge of any such unlawful, riotous and tumultuous assembly, forthwith to repair to the place where such unlawful, riotous and tumultuous assembly shall be, to the number of three or more, and there to make or cause to be made, proclamation in manner aforesaid.

"3. *And be it further enacted* by the authority aforesaid, That if any person or persons do, or shall, with force and arms, wilfully and knowingly oppose, obstruct, or in any manner, wilfully and knowingly let, hinder or hurt any person or persons, who shall begin to proclaim, or go to proclaim, according to the proclamation hereby directed to be made, whereby such proclamation shall not be made; that then, every such opposing, letting, hindering, or hurting, such person or persons, so being or going to make such proclamation as aforesaid, shall be adjudged felony, without benefit of clergy; and that the offenders therein, shall be adjudged felons, and shall suffer death, as in cases of felony without benefit of clergy; And that also, every such person or persons, so being unlawfully, riotously and tumultuously assembled to the number of three, as aforesaid, or more, to whom proclamation should or ought to have been made if the same had not been hindred as aforesaid, shall, in case they, or any of them, to the number of three or more, shall continue together, and not forthwith disperse themselves, after such let or hindrance, having knowledge of such let or hindrance, shall, likewise, for every such offence, upon conviction thereof, in manner aforesaid, suffer the same pains and penalties as are hereby inflicted on those who shall continue together to the number of three or more, after they shall be commanded to depart to their habitations, or lawful business, by proclamation as aforesaid.

"4. *And be it further enacted* by the authority aforesaid, That if such persons so unlawfully, riotously and tumultuously assembled, or any three or more of them, after proclamation made in manner aforesaid, shall continue together, and not forthwith disperse themselves, it shall and may

be lawful to and for every such justice of the peace, sheriff, under sheriff, coroner, or constable, of any county or township where such assembly shall be; and to and for such person or persons as shall be commanded to be assisting unto such justice of the peace, sheriff, under sheriff, coroner, or constable, who are hereby authorized and impowered to command all his majesty's subjects of age and ability, to be aiding and assisting to them therein; to seize and apprehend, and they are hereby required to seize and apprehend such persons so unlawfully, riotously, and tumultuously assembled together, after proclamation made as aforesaid, and forthwith to carry the persons so apprehended, before any one or more of his majesty's justices of the peace of the said counties of *Charlotte* or *Albany*, in order to their being proceeded against for such their offences according to law.

"And that, if the persons so unlawfully, riotously and tumultuously assembled, or any of them, shall happen to be killed, maimed, or hurt, in the dispersing, seizing or apprehending them, by reason of their resisting the persons so dispersing, seizing, or apprehending, or endeavouring to disperse, seize, or apprehend them; that then, every such justice of the peace, sheriff, under sheriff, coroner or constable, and all and singular persons aiding and assisting to them, or any of them, shall be freed, discharged, and indemnified, as well against the king's majesty, his heirs and successors, as against all and every other person and persons, of, for, or concerning the killing, maiming, or hurting of any such person or persons, so unlawfully, riotously, and tumultuously assembled, that shall happen to be so killed, maimed, or hurt as aforesaid.

"5. *And be it further enacted* by the authority aforesaid, That, if any person or persons, within the said counties, or either of them, not being lawfully authorized a judge, justice, or magistrate, shall assume judicial power, or shall try, fine, sentence or condemn any person who shall either be absent, or shall unlawfully or forcibly be seized, taken, or brought before him or them, for trial or punishment; or if any person or persons shall aid or assist in such illegal proceedings, or shall inforce, execute or carry the same into effect; or if any person or persons shall unlawfully, seize, detain, or confine, or assault and beat any magistate or civil officer, for, or in the respect of any act or proceeding in the due exercise of his function, or in order to compel him to resign, renounce, or surcease his commission or authority, or to terrify, hinder, or prevent him from performing and discharging the duties thereof; or if any person or persons either secretly or openly, shall, unlawfully, wilfully and maliciously burn or destroy the grain, corn or hay, of any other person, being in any inclosure, or if any person unlawfully, riotously, and tumultuously assembled together, to the disturbance of the public peace, shall, unlawfully, and with force, demolish or pull down, or begin to demolish or pull down, any dwelling-house, barn, stable, grist-mill, saw-mill, or out-house, within either of the said counties, that then, each of the said offences, respectively, shall be adjudged felony, without benefit of clergy; and the offenders therein shall be adjudged felons, and shall suffer death, as in cases of felony without benefit of clergy.

"6. And whereas complaint and proofs have been made, as well before his excellency the governor in council, as before the General Assembly, That *Ethan Allen*, some time of *Salisbury*, in the colony of *Connecticut*, but late of *Bennington*, in the county of *Albany*, yeoman; *Seth Warner*, late of *Bennington*, in the said county, yeoman; *Remember Baker*, late of *Arlington*, in the said county, yeoman; *Robert Cochran*, late of *Ruporte*, in the county of *Charlotte*, yeoman; *Peleg Sunderland* and *Silvanus Brown*, late of *Socialborough*, in the same county, yeoman; *James Brackenridge*, late of *Wallumschack*, in the county of *Albany*, yeoman;

and *John Smith*, late of *Socialborough*, yeoman; have been principal ringleaders of, and actors in, the riots and disturbances aforesaid; and the general assembly have, thereupon, addressed his excllency the governor, to issue a proclamation offering certain rewards for apprehending and securing the said offenders, and for bringing them and the other perpetrators and authors of the riots to justice; And forasmuch as such disorderly practices are highly criminal and destructive to the peace and settlement of the country, and it is indispensably necessary for want of process to outlawry (which is not used in this colony) that special provision be made for bringing such offenders, in future, to trial and punishment, without exposing the colony to the expence of extraordinary rewards and bounties for apprehending such offenders:

"*Be it further enacted* by the authority aforesaid, That it shall and may be lawful to, and for, his excellency the governor, or the governor and commander in chief, for the time being, by, and with, the advice of the council, as often as either of the above named persons, or any other person, shall be indicted in either of the counties aforesaid, for any offence perpetrated after the passing of this act, made capital by this or any other law, or where any person may stand indicted for any of the offences above mentioned, not made felony by this act, to make his order in council, thereby requiring and commanding such offender or offenders to surrender themselves, respectively, within the space of seventy days next after the first publication thereof, in the *New-York* Gazette, and weekly Mercury, to one of his majesty's justices of the peace, for either of the said counties respectively, who are hereby required, thereupon, to commit him or them, without bail or mainprize, to the goal of the city of *New-York*, or of the city and county of *Albany*, to the end that he or they may be forth-coming to answer the offence or offences, wherewith he or they shall stand charged, according to the ordinary course of the law; which order the clerk of his majesty's council, or his deputy, shall cause, forthwith, to be printed and published, in eight sucesssive papers, of the *New-York* Gazette and weekly Mercury; the two first of which to be, forthwith, transmitted to the sheriffs of the counties of *Albany* and *Charlotte*; and the said sheriffs, respectively, shall, within six days after the receipt thereof, cause the same printed orders to be affixed upon the door of the court-house of the county of *Albany*, and upon the door of the dwell-house of *Patrick Smith*, Esq; where the courts are now usually held for the said county of *Charlotte*, and upon the doors of two other public-houses in each of their respective counties. And in the case the said offenders shall not respectively surrender themselves, pursuant to such orders of his excellency the governor, or of the governor and commander in chief, for the time being, to be made in council as aforesaid; he or they, so neglecting or refusing to surrender himself or themselves as aforesaid, shall, from the day to be appointed for his or their surrendry as aforesaid, be adjudged, deemed, and (if indicted for a capital offence hereafter to be perpetrated) to be convicted and attainted of felony, and shall suffer death, as in cases of persons convicted and attainted of felony, by verdict and judgment, without benefit of clergy; and that it shall and may be lawful to and for the supreme court of judicature of this colony, or the courts of oyer and terminer, or general goal delivery, for the respective counties aforesaid, to award execution against such offender or offenders, so indicted for a capital offence perpetrated after the passing of this act, in such manner as if he or they had been convicted or attainted in the said supreme courts of judicature, or before such courts of oyer and terminer, or general goal delivery respectively: And if any offender, being indicted for a lesser offence, under the degree of felony, shall not surrender himself within the time fixed by such order, and after

such notice aforesaid, he shall thenceforth be deemed guilty of the offence for which he may be charged by such indictment; and it shall be lawful for the court wherein such indictment is found, to proceed to pronounce such judgment against the offender, as might lawfully be done if he was present in court, and convicted in the ordinary course of the law, of the crime wherewith he shall so stand charged as aforesaid. Provided always,

"7. *And be it further enacted* by the same authority aforesaid, That, if any person, so neglecting to surrender himself as aforesaid, within the said seventy days, shall, at any time after, surrender himself to the sheriff of the cities of *New-York* or *Albany*, or of the counties of *Dutchess* or *West-Chester*, (who are to receive, and safely keep such offenders) and being actually in custody, exhibited reasonable proof, to the satisfaction of the judges of the supreme court of this colony, or either of them, that he was not within either of the said counties of *Albany* or *Charlotte*, or within either of the counties of *Cumberland* or *Gloucester*, at any time after the publication and notices above directed, and before such surrender of himself as aforesaid; then such judge before whom such proof is made, shall, forthwith, notify the same in writing, to the sheriff to whom any warrant of execution for the executing such offender, or any other process for any lesser punishment hath been, or may be issued; and thenceforth such prisoner or offender shall not be liable to suffer death or any other punishment for not surrendering himself—Provided also, that nothing in this act contained shall be construed to exempt any offender, so surrendering himself after the seventy days as aforesaid, from any punishment to which he may be liable for any other crime than for not surrendering himself within the seventy days, as aforesaid; nor to deprive any person who shall so surrender himself within the seventy days, from being bailed, in cases where he shall be bailable by law; any thing herein contained to the contrary thereof, in any wise, notwithstanding.

"8. *And be it further enacted* by the same authority aforesaid, That, all and every person and persons who shall, after the expiration of the time to be appointed, as aforesaid, for the surrender of the respective offenders herein before named, harbour, receive, conceal, abet, or succour such offender or offenders, knowing him or them to have been required to surrender him or themselves by such order or orders as aforesaid, and not to have surrendered pursuant thereto, shall, upon conviction thereof, in due form of law, suffer the same pains and penalties as are, by this act, inflicted on those who shall continue together to the number of three or more, after they shall be commanded to depart to their habitation or lawful business, by proclamation as aforesaid.

"9. And whereas the said county of *Charlotte*, hath but lately been set off from the said county of *Albany*, and there is yet no goal or court-house erected within the same; and a great part of the said county being involved in a state of anarchy and confusion, by reason of the violent proceedings of the aforesaid riotous and disorderly people, from whence it must, at present, be extremely difficult, if not impracticable, to bring offenders to justice within the said county:

"*Be it therefore further enacted* by the authority aforesaid, That all treasons, felonies, crimes, misdemeanors and offences whatsoever, at any time heretofore committed or perpetrated, or hereafter to be committed or perpetrated within the said county of *Charlotte*, shall and may be proceeded against and presented by any grand jury for the county of *Albany*, from time to time, to be impanelled and sworn at any court of criminal jurisdiction to be held in and for the said county of *Albany;* who shall and may charge any of the said offences to have been committed in any part of the said county of *Charlotte;* and all indictments so found by

them, shall be adjudged to be good and valid, notwithstanding that the place of perpetrating any of the said offences be in the said indictments alledged to be out of the said county of *Albany;* and all such offences and offenders which shall be presented or indicted as aforesaid, shall and may be tried within the county of *Albany*, and by a jury thereof; and there heard, determined, and punished in the same manner and form as if such treason, felony, crime, misdemeanor or offence, had arisen and been perpetrated within the said county of *Albany.*

"10. Provided always, *And be it further enacted*, That if, any time hereafter, the justices to be appointed for holding courts of oyer and terminer and general goal delivery, for the said county of *Charlotte*, in cases cognizable before them, or the justices of the general session of the peace for the said county of *Charlotte*, in cases cognizable before them, shall conceive that any prisoner or offender may be safely brought to justice within, and by a jury of, the said county of *Charlotte;* that then, it shall and may be lawful to and for each of the said courts respectively, to proceed against, and try, such prisoner or offender, having lawful cognizance of his cause, within, and by a jury of, the said county of *Charlotte;* and him there to acquit or to sentence, condemn, and punish, as the law directs; any thing in this act to the contrary thereof notwithstanding.

"11. *And be it further enacted* by the authority aforesaid, That this act shall be publickly read in every court of general sessions of the peace, to be held in each of the said counties of *Albany* and *Charlotte* respectively.

"12. *And be it further enacted* by the authority aforesaid, That this act shall remain and continue in full force and effect, from the passing thereof, until the first day of *January*, which will be in the year of our Lord, one thousand, seven hundred, and seventy-six."

From the *New-Hampshire Gazette*, No. 915.

REMARKS, &c. on some late laws passed in *New-York.*

"His excellency, governor *Tryon*, in conformity to the addresses of the general assembly of the colony of *New-York*, having on the 9th day of *March*, 1774, with the advice of his council, issued his proclamation, offering, therein, large sums of money for the purpose of apprehending and imprisoning the following persons, viz., *Ethan Allen*, *Seth Warner*, *Remember Baker*, *Robert Cochrain*. *Peleg Sunderland*, *Silvanus Brown*, *James Breakenridge*, and *James Smith:*

And whereas his excellency the governor, by the same proclamation, hath, strictly, enjoined and commanded all magistrates, justices of the peace, sheriffs, and other civil officers of the counties of *Albany* and *Charlotte*, to be active and vigilent in apprehending and imprisoning the persons above-named; and we, the aforesaid persons, who have hereunto subscribed, being conscious that our cause is good and equitable in the sight of God, and all unpredjudiced and honest men, are determined, at all events, to maintain and defend the same, 'till his majesty's pleasure shall be known concerning the validity of the *New-Hampshire* grants—And we now proclaim to the public, not only for ourselves but for the *New-Hampshire* grantees, and occupants in general; that the spring, and moving cause, of our opposition to the government of *New-York*, was self-preservation, *viz.* Firstly, the preservation and maintaining of our property: And secondly, since that government is so incensed against us, therefore it stands us in hand to defend our lives; for, it appears, by a late set of laws passed by the legislature thereof, that the lives and property of the *New-Hampshire* settlers are manifestly struck at; but, that the public may rightly understand the essence of the controversy, we

now proclaim to those law-givers, and to the world, that if the *New-York* patentees will remove their patents that have been, subsequently lapped and laid on the *New-Hampshire* charters, and quiet us in our possessions, agreeable to his majesty's directions, and suspend those criminal prosecutions against us for being rioters (as we are unjustly denominated) then will our settlers be orderly and submissive subjects to government; but, be it known to that despotic fraternity of law-makers and law-breakers, that we will not be fooled or frighted out of our property; they have broke over his majesty's express prohibitions, in patenting those lands, and when they act in conformity to the regal authority of *Great-Britain*, it will be soon enough for us to obey them. It is well known by all wise and sensible persons in the neighbouring governments, (that have animadverted on the controversy) that their pretended zeal for good order and government, is fallacious, and that they aim at the lands and labours of the grantees and settlers aforesaid; and that they subvert the good and wholesome laws of the realm, to corroborate with, and bring about their vile and mercenary purposes.

And inasmuch as the malignity of their disposition towards us, hath flamed to an immeasurable and murtherous degree, they have, in their new-fangled laws, calculated for the meridian of the *New-Hampshire* grants, passed the 9th of *March*, 1774, so calculated them, as to correspond with the depravedness of their minds and morals; in them laws, they have exhibited their genuine pictures. The emblems of their insatiable, avaricious, overbearing, inhuman, barbarous, and blood-guiltiness of disposition and intention is therein portraited in that transparent image of themselves, which cannot fail to be a blot, and an infamous reproach to them, to posterity.——We cannot suppose that every of his majesty's council, or that all the members of the general assembly were active in passing so bloody and unconstitutional a set of laws. Undoubtedly, some of them disapproved thereof; and it is altogether possible, that many that were active in making the law, were imposed upon by false representations, and acted under mistaken views of doing honor to government; but be this as it will, it appears that there was a majority. And it has been too much the case with that government, for a number of designing schemers, and land-jockeys, to rule the same. Let us take a view of their former narrow and circumscribed boundaries, and how, that by legerdemain, bribery and deceptions of one sort or other, they have extended their domain far and wide; they have wrangled with, and encroached on their neighbouring governments, and have used all manner of deceit and fraud to accomplish their designs: their tenants groan under their usury and oppression; and they have gained, as well as merited, the disapprobation and abhorrence of their neighbours, and the innocent blood they have already shed, calls for heaven's vengeance on their guilty heads; and if they should come forth in arms against us, thousands of their injured and dissatisfied neighbours in the several governments, will join with us, to cut off and extirpate such an execrable race from the face of the earth!

This piece is not supposed to contain a full answer to the new constructed laws aforesaid; for such a large *two year old*, hath never before been seen in *America*, it being of an enormous and monstrous birth; nor is it supposed to give the legislators their full characters: but so much may suffice for the present. To quote the laws, and make remarks thereon, would be matter sufficient for a volume: However, we will yet make some short observations.

1st. Negatively, it is not a law for the province of *New-York* in general, but,

2d. POSITIVELY, it is a law but for part of the counties of *Charlotte* and *Albany;* viz. such parts thereof as are covered with the *New-Hampshire* charters; and it is well known those grants compose but a minor part of the inhabitants of the said province; and we have no representative in that assembly. The first knowledge we had of said laws, was the completion of them; which informed us, that if we assembled, three or more of us together, to oppose (that which they call legal) authority, we shall be adjudged felons, and suffer the pains of death; and that same fraternity of plotters knew, as well as we, and the generalty of the people in the adjacent colonies, that they have for a number of years last past, endeavored to exercise such a course of what they call law, that had they not been opposed by the people of these grants (called the MOB) in the executing the same, they would, before this time, have been in possession of that territory, for which the laws aforesaid are calculated. Therefore the case stands thus: If we oppose civil officers, in taking possession of our farms, we are, by these laws, denominated felons; or if we defend our neighbours who have been indicted rioters, only for defending our property; we are likewise adjudged felons. In fine, every opposition to their monarchial government is deemed felony, and at the end of every such sentence, there is the word DEATH! And the same laws further impowered the respective judges, provided any persons, to the number of three or more, that shall oppose any magistrate, or other civil officer, and be not taken, that after a legal warning of seventy days, if they do not come and yield themselves up to certain officers appointed for the purpose of securing them; then it shall be lawful for the judges aforesaid, to award execution of DEATH, the same as tho' he or they had been convicted or attainted before a proper court of judicature, &c. The candid reader will, doubtless, observe, that the diabolical design of this law, is to obtain possession of the *New-Hampshire* grants, or to make the people that defend them, out-laws, and so kill them whenever they can catch them.

Those bloody law-givers know we are necessitated to oppose their execution of law, where it points directly at our property, or give up the same: but there is one thing is matter of consolation to us, viz. that printed sentences of death will not kill us when we are at a distance; and if the executioners approach us, they will be as likely to fall victims to death as we; and that person, or country of persons, are cowards indeed, if they cannot, as manfully, fight for their liberty, property and life, as villains can do to deprive them thereof.

THE *New-York* schemers accuse us with many things; part of which are true, and part not.——With respect to rescuing prisoners for debt, it is *false.* As to assuming judicial powers, we *have not,* except a well-regulated combination of the people to defend their just rights, may be called so. As to forming ourselves into military order, and assuming military commands, the *New-York* possies, and military preparations, oppressions, &c, *obliged us to it.* Probably Mess. *Duane, Kemp,* and *Banyar,* of *New-York,* will not discommend us for so expedient a preparation; more especially since the decrees of the 9th of *March,* are yet to be put in execution: and we flatter ourselves, upon occasion, we can muster as good a regiment of mark's-men and scalpers as *America* can afford; and we now give the gentleman above-named, together with Mr. *Brush,* and Col. *Ten Broeck,* and in fine, all the land-jobbers of *New-York,* an invitation to come and view the dexterity of our regiment; and we cannot think of a better time for that purpose, than when the executioners come to kill us, by virtue of the authority their judges have lately received to award and sentence us to death in our absence. There is still one more notable complaint against us, viz. That we have insulted and

menaced several magistrates, and other civil officers, so that they dare not execute their respective functions: This is *true*, so far as it relates to the magistrates. But the public should be informed, what the functions of those magistrates are: they are commissioned for the sole purpose of doing us all the harm and mischief they possibly can, thro' their administration and influence; and that they might be subservient to the wicked designs of the *New-York* schemers. These are their functions; and the public need no further proof than the consideration that they are the tools of those extravagant law-makers; and it must be owned, they acted with great judgment, in chusing the most infernal instruments for their purpose.

DRACO, the *Athenian* law-giver, caused a number of laws, (in many respects analogous to those we have been speaking of,) to be *written* in blood. But our modern *Draco's* determine to have theirs *verified* in blood. They well know we shall, more than *three*, nay, more than *three times three hundred*, assemble together, if need be, to maintain our common cause, till his majesty determines who shall be and remain the owners of the land in contest. "*Wilt thou not possess that which Chemoth, thy God, giveth thee to possess?*" So will we possess that which the Lord our God (and King) giveth us to possess.

AND lastly, we address ourselves to the people of the counties of *Albany* and *Charlotte*, which inhabit to the westward of, and are situated contiguous to, the *New-Hampshire* grants.

GENTLEMEN, FRIENDS AND NEIGHBOURS,

PROVIDENCE having allotted and fixed the bounds of our habitations in the same vicinity, which, together with the intercourse of trade and commerce, hath formed an almost universal acquaintance and tie of friendship between us, and hath laid such a foundation of knowledge, that your people, in general, cannot but be sensible that the title of our land is, in reality, the bone of contention; and that, as a people, we behave ourselves orderly; and are industrious, and honestly disposed; and pay just deference to order and good government; and that we mean no more by that which is called the MOB, but to defend our just rights and properties. We appeal to the gentlemen merchants, to inform whether our people in general, do not exert themselves to pay their just debts; and whether ever they have been hindered by the country's MOB, in the collection of their dues. But as [to] the magistrates, sheriffs, under-sheriffs, coroners, and constables, of the respective counties, that hold their posts of honor and profit under our bitter enemies, we have a jealousy, that some of them may be induced (to recommend themselves to those on whom they are dependant, and for the wages of unrighteousness, offered by proclamation) to presume to apprehend some of us, or our friends: We therefore, advertise such officers, and all persons whatsoever, that we are resolved to inflict *immediate death* on whomsoever may attempt the same. And provided any of us or our party shall be taken, and we have not notice sufficient to relieve them, or whether we relieve them or not, we are resolved to surround such person or persons, whether at his or their own house or houses, or any where that we can find him or them, *and shoot such person or persons dead.* And furthermore, that we will *kill* and *destroy* any person or persons whomsoever, that shall *presume* to be accessary, aiding or assisting in taking any of us as aforesaid; for by these presents we give any such disposed person or persons to understand, that, altho' they have a licence by the law aforesaid, to *kill* us; and an "indemnification" for such murther from the same authority; yet they have no indemnification for so doing from the *green mountain boys;* for our lives, liberties and properties are as verily

precious to us, as to any of the king's subjects: and we are as loyal to his majesty or his government, as any subjects in the province: but, if the governmental authority of *New-York* will judge in their own case, and act in opposition to that of *Great-Britain*, and insist upon *killing* us, to take possession of our "vineyards," – come on, we are ready for a game of scalping with them; for our martial spirits glow with bitter indignation, and consummate fury, to blast their infernal projections.

It may be, the reader, not having seen the law referred to in this piece, and not being thoroughly acquainted with the long and spirited conflict that hath subsisted between the claimants under *New-Hampshire* and *New-York*, nor of the progressive, arbitrary, and monopolizing disposition of the court party of the latter of those provinces; may be apt to imagine that the spirit of this writing is too severe, inasmuch as it destines whoever presumes to take us as felons or rioters, to immediate death; but let the wise consider the state of the cause.

1. Provided we on our part be taken, we have by them laws the sentence of death already pronounced against us, on proviso more than three of us assemble together to maintain and defend our property, till his majesty determines the controversy. And,

2. May it be considered, that the legislative authority of the province of *New-York* had no constitutional right or power to make such laws; and consequently, that they are null and void, from the nature and energy of the *English* constitution; therefore as they merit no place among the laws of the realm of *Great-Britain*, but are the arbitrary league and combination of our bitter and merciless enemies, who, to obtain our property, have inhumanly, barbarously, and maliciously, under the specious and hypocritical pretence of legal authority, and veneration for order and government, laid a snare for our lives; can the public censure us for exerting ourselves nervously to preserve our lives, in so critical a situation? For by the laws of the province, into which we are unfortunately fallen, we cannot be protected in either property or life, except we give up the former to secure the latter: so we are resolved to maintain both, or to hazard or loose both.

From hence follows a necessary inference, That inasmuch as our property, nay, our lives, cannot be protected (but manifestly struck at) by the highest authority in the province to which we, at present, belong; therefore, in the interim, while his majesty is determining the controversy, and till he shall interpose his royal authority, and subject the authority aforesaid to their duty, or re-annex the district of disputed lands to the province of *New-Hampshire*, or some way, in his great wisdom, and fatherly clemency, put the distressed settlers under *New-Hampshire* on an equal footing with our brother subjects in his realm; we are under necessity of resisting, even unto blood, every person who may attempt to take us as felons or rioters as aforesaid; for in this case it is not resisting law, but only opposing force by force; therefore, inasmuch as by the oppressions aforesaid, the *New-Hampshire* settlers are reduced to the disagreeable state of anarchy and confusion; in which state we hope for wisdom, patience and fortitude, till the happy hour his majesty shall graciously be pleased to restore us to the privileges of *Englishmen*.

Signed per

ETHAN ALLEN,
SETH WARNER,
REMEMBER BAKER,
ROBERT COCKRAN,
PELEG SUNDERLAND,
JOHN SMITH,
SILVANUS BROWN.

*Bennington, April* 26, 1774.

"When *Cæsar* reigned king at *Rome*
St. *Paul* was sent to hear his doom;
But *Roman* laws, in a criminal case,
Must have the accuser face to face,
Or *Cæsar* gives a flat denial.———
But here's a law made now of late;
Which destines men to awful fate,
And hangs and damns without a trial.
Which made me view all nature through,
To find a law where men were ti'd,
By legal act which doth exact
Men's lives before they're try'd.
Then down I took the sacred book,
And turned the pages o'er,
But could not find one of this kind,
By God or man before. -T. R." [THOMAS ROWLEY.]

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# APPENDIX,

CONTAINING conclusive arguments in favor of the validity of the *New-Hampshire* grants to the westward ot *Connecticut*-river; setting forth the injustice and invalidity of the *New-York* subsequent interfering grants, with observations on the jurisdictions of the [re]spective governments to those lands. And remarks on the state of the right of the colony of *New-York*, &c. And on the narrative of the proceedings subsequent to the royal adjudication, concerning lands to the westward of *Connecticut*-river, &c. published at their sessions, 1773.

THE Appendix was written by the writer of the Vindication [ETHAN ALLEN] to which this is annexed, and was printed at *Hartford*, [Conn.,] by EBENEZER WATSON, (deceased,) 23d *September*, 1774.

## SECTION I.

AS the claimants under *New-Hampshire* rely on their charters from that government as the predicate and ground of their title to the property of the land in contest; so, on the other hand, the claimants under *New-York*, predicate and ground their title to the same land on the validity of their patents from *New-York:* This brings the point in issue between the respective claimants to this single question, namely, *Which of the said governments conveyed the fee of the land in contest?* For it is self-evident both could not. And upon exploring the controversy, and animadverting on the merits of the different claims, be it which it will that may be allowed to stand the test, and adjudged valid, it will of necessity invalidate the other. In the discussion of this subject, and searching into the merit of the respective claims, it is necessary to inspect into the validity of the grant from king CHARLES to the duke of YORK, from which foundation only, the government of *New-York* deduce their right of patenting the lands in contest; yet the matter of fact is, that neither the government of *New-York* as such, or any individual therein, has ever had any conveyance of any land from the duke of *York*, nor doth any landlord or person whatever, in the government, hold the fee or property of their land, by virtue of any conveyance from the duke of *York;* but they hold the fee of their lands on a very different footing,

viz. by conveyance from the Crown; yet, if it be conceded to, that king *Charles* gave to his brother *James* duke of *York*, the fee of the lands west of *Connecticut*-river to the head of *Delaware-Bay;* and allowing the fee to be still vested in him, his heirs or assigns, upon this hypothesis no person in the province of *New-York* hath the fee or property of the land they possess, the fee remaining the property of the duke of *York*, his heirs or assigns. And further, upon the same principle, those identical patents under the seal of *New-York*, which were laid on the *New-Hampshire* grants, are in their own nature, equally null and void, with all other conveyances of land in the said province which have been given by the crown, the fee thereof being vested in the duke of *York*, &c. So that the grantees under *New-York* and *New-Hampshire* are both, upon this stating of the case, equally destitute of the fee of the land contested for: But, upon this stating, the grantees under *New-Hampshire*, have the argument of settlement, and occupation, and possession, on their side; which is abundantly sufficient to give the priority, and preference of title to them; so that neither the government of *New-York* or their patentees, gain anything by building their title on the said grants to the duke of *York;* for if there be anything in it, it defeats their own title as well as that of *New-Hampshire*, proving too much for their purpose, or nothing at all. But, if the lands contained in the duke of *York*'s grant reverted back to the crown, then the duke of *York*'s patent became extinct, null, and absolutely void, and is as though it never had been; whether the said reversion happened in consequence of the said duke's abdicating the throne—turning papist, or by any formal surrendery, or by any means whatever. Provided the fee became revested in the crown, then the said charter became extinct, as aforesaid; so that whether the fee of the land in dispute still remains in the said duke of *York*, his heirs or assigns, or reverted, or was surrendered to the crown, none of all this will in the least justify the government of *New-York* or its patentees, in founding their pretensions of title to the land aforesaid, by virtue of the aforesaid grant from king *Charles* to the duke of *York*. For, take the argument one way, and it overturns both the title of *New-York* and *New-Hampshire* also, leaving the latter in occupation and possession of the disputed premises, and that only, being intirely destitute of the fee; and the *New-York* claimants destitute of the least colour of title whatsoever. But, take the argument the other way, viz. Provided the fee of the lands aforesaid reverted and been revested in the crown, then the said lands at the time of first granting were crown lands the same as though the duke of *York* had never existed. But the truth of the matter undoubtedly is this, the under proprietors all except *William Penn*, who had the several countries parcelled out to them by the duke of *York*, which was contained in his grant, surrendered their charters to the crown, whereby *New-York* and *New-Jersey* became royal governments: This then being the state of the case, the lands in dispute became crown lands, and the governor of *New-Hampshire*, as well as *New-York*, crown officers, or king's agents, and it is of no consequence to the king which of his governors grants his land, if so be they be granted to and settled by loyal and industrious subjects, thereby adding to the revenue of the crown and enlarging and strengthening the kingdom. This being presupposed, and admit for supposition only, that the governor of *New-Hampshire* exceeded his proper limits in granting crown lands, must the grantees who have settled those lands, paid one of the officers for granting the same, and expended their ALL, in settling and cultivating his majesty's wilderness land, and who are truly loyal subjects, be turned off the said land by thousands, and reduced to starving poverty, together with their numerous families, because

one of the crown officers either ignorantly or designingly imposed upon the people by granting crown lands over his bounds? This would be extreme wrong, the more so as it cannot be supposed that the subjects are capable judges of the jurisdiction of governments, and consequently there should be the greatest care taken to guard the subject from injury in all cases of this nature; the truth of which will more fully appear by the following considerations, viz. That notwithstanding the supposed error in granting the said lands, yet the great end of the crown in granting of it is compleatly answered; and provided the subjects i. e. the settlers are quieted in the fee and possession of the said lands, they will not be injured, so that upon this hypothesis, neither king nor subject would sustain damage: Indeed no person in the realm could have just cause of complaint. True, the respective governors of *New-York* may insinuate, that upon this state of the case, the governor of *New-Hampshire* has cheated them out of their fees for granting the said lands—though it is evident, if crown officers are faithful to the king and subjects, they could take no more money for granting crown lands, than a reasonable compensation for their trouble, and the other governor's being supposed to grant the lands, saves the said governor of *New-York* the trouble; so that the argument is brought to this single point only at last, that upon supposition the governor of *New-Hampshire* exceeded his proper limits in granting those lands, yet neither king nor subjects are injured, (provided the claimants under *New-Hampshire* hold the fee of the said land as above) except the governors of *New-York*, and if they be supposed to be honest men, the trouble of granting the land would be equal to their fees had they granted it; so that they have not been injured a whit more in this case, than they be supposed to have injured the subjects by taking exorbitant fees for granting the same lands; which to them is no injury at all, but a providential check to the exercise of their avarice. So that the respective governors of *New-York*, in an equitable sense, are no loosers in this affair, or at most the privileges would be so very inconsiderable as to make it meer trifling to mention it, especially when set in competition with the shocking and universal destruction that would overspread a large country of his majesty's good subjects, provided they be dispossessed of the lands aforesaid. This seems to be the genuine sequel of the argument, even upon the *Yorkers* own stating it.

## SECTION II.

IT is not conceded to on the part of the claimants under *New-Hampshire*, that the governor did in fact exceed his proper limits in granting those lands. The contrary will abundantly appear from the following considerations, viz. Before and at the time the said governor of *New-Hampshire* granted those lands they were reputed to be within his jurisdiction. This was the opinion of both learned and unlearned, the wise as well as simple. Thus it was universally planned in all ancient and modern maps down to the year 1764, when, by royal determination, the jurisdiction of *New-York* was extended over this disputed district of land. But the general opinion before this royal adjudication was, that the province of *New-York* extended its jurisdiction but twenty miles to the eastward from *Hudson*'s-river. So general was this opinion, that the best maps of the two respective provinces, and the history of *New-Hampshire* adopted it as settled; it is of very great weight in the question to shew how universal this maxim was, and that the unprejudiced and accurate geographer Mr. *Mitchel*, in his map composed so late as the

year 1755, which with great propriety and certainty ascertains the same limits. This map has the more authority as it was according to the certificate of Mr. *Pownal*, secretary to the board of trade, and was undertaken with the approbation and at the request of the lords commissioners for trade and plantation, and is chiefly composed from draughts, charts, and actual surveys of different parts of his majesty's colonies and plantations in *America*, great part of which have been since taken by their lordships' orders and transmitted to the office of the governors of said colonies. This twenty mile line was so far from being deemed unfavorable to *New-York*, that we find the commissioners from that province so late as the year 1767, made an offer to those of the *Massachusett-Bay* to let a line of twenty miles distance east of *Hudson*'s-river be the division between their respective provinces, which the latter commissioners would not then agree to it, being thought by them too much in favor of *New-York*, so little it seems did *New-York* commissioners conceive their claim as far as *Connecticut*-river could be supported.

THOUGH it is true in the year 1771 the province of *New-York* by a public act of their general assembly, did annex all that part of the province of the *Massachusetts-Bay*, to the westward from *Connecticut*-river, to their county of *Albany;* and it is likewise true that in the year 1773, the governors of the respective provinces met at *Hartford*, in *Connecticut*, and came to a mutual agreement to settle that line at twenty miles distance eastward from *Hudson*'s-river, which was the hypothesis of that settlement, which hath since been ratified by his majesty.

THE report of the lords commissioners for plantation affairs in 1753, states the following facts, from which is necessarily inferred that *New-Hampshire* extended its jurisdiction to the westward of *Connecticut*-river,—"There are, says their lordships, about 60,000 acres of land situate on the west side of *Connecticut*-river, which were purchased by private persons from *Connecticut*, to whom the land had been laid out, by the government of the *Massachusetts-Bay* as an equivalent for two or three townships which the latter purchased from the former. This tract of land by the determination of the boundary line between the provinces of *New-Hampshire* and the *Massachusetts-Bay* in 1739 is become a part of *New-Hampshire*."—Thus we have their lordships' sentiments that the jurisdiction of *New-Hampshire* extended over part of the very lands in contest, westward of *Connecticut*-river, as long ago as the year 1739, at which time *New-York* never dreamed of extending their claim to *Connecticut*-river.—There is another glaring and indisputable evidence of the former western extent of *New-Hampshire*, viz. Relative to fort *Dummer* which was built by the Bay province in 1724, and garrisoned at their expence a great number of years; but upon its being excluded from their jurisdiction, by the settlement of the jurisdictional line between them and *New-Hampshire* in 1739, the *Bay* province represented to the government at home, that the said district of land and fort *Dummer*, having been determined to be the property of *New-Hampshire*, they were no longer oblige to garrison and maintain it, and praying, that as it was necessary to the defence of the country, that *New-Hampshire* might be directed to support it. In consequence of which, an order passed the king and council in 1744, that the governor and commander in chief of *New-Hampshire* should forthwith move the assembly, in his majesty's name, to make a proper provision for that service; and at the same time informing them that in case they refused to comply with so reasonable and necessary a proposal, his majesty would find himself under a necessity of restoring that fort, with a proper district of land contiguous thereto, to the province of the *Massachusetts-Bay*, who cannot with justice be required to maintain a fort no longer within their

boundary. In consequence of this, *New-Hampshire* did maintain this fort, and paid a demand of arrears for its maintainance, to the *Massachusetts-Bay*. In the mean time *New-York* was never a competitor for the burthen, willing as she is to enjoy the advantage of granting and engrossing said lands.

THIS being the case, the government of *New-Hampshire*, by the royal decree, was obliged to maintain fort *Dummer*, and it being on the west side of *Connecticut*-river, and on this very identical district of land now in dispute, can that government be justly charged with granting lands in the province of *New-York*, when but a little before his majesty in council had adjudged the same lands to be in the said government of *New-Hampshire* and ordered them to defend it, as by maintaining fort *Dummer*, &c. Surely at that time *New-Hampshire* did extend its jurisdiction westward of *Connecticut*-river; otherwise the king had ordered the government of *New-York* to have maintained fort *Dummer*. Nothing can be more flagrantly evident than, that the government of *New-Hampshire* had a right to grant crown lands where the crown compelled them to defend. From hence it appears, that the government of *New-Hampshire* had a legal right to grant the lands now in dispute, and that, that government and his majesty's good subjects, the grantees of and settlers on the said lands, acted upon honest and honorable principles, in granting, purchasing and settling the same, and on the other hand it appears, that the government of *New-York*, in regranting the same land, acted quite the reverse, and the more unpardonably so, as they granted great part of it in open defiance to his majesty's authority manifested unto them by his express prohibition, dated the 24th day of *July* 1767.

FROM what has been already elucidated it appears, that the administration of *Great-Britain* had adjudged in 1739 and confirmed in 1755, that the government of *New-Hampshire* extended westward of *Connecticut*-river, and that this was the general sense of the nation (till ascertained as aforesaid) is real matter of fact.—True no determination of his majesty or reports of the lords of trade had before particularized how far the government of *New-Hampshire* should extend west of *Connecticut*-river: but such determinations of theirs mightily strengthened the common opinion, nay, fully confirmed it, that that government extended westward to a twenty miles distance east from *Hudson*'s river. This was the opinion of both king and subjects at the time the government of *New-Hampshire* granted those lands; and adventurers could not conceive of any intermediate boundary in one place more than another, between *Connecticut*-river and the twenty mile limit aforesaid; nor had they any apprehension that the government of *New-Hampshire* would extend to the westward of that limit. This twenty mile line took universal and deep impression on the minds of geographers, and was the understanding of the *British* empire, and was thus portrayed in all former maps. The certainty of this general opinion may be further illustrated from the consideration that none of the *British* subjects applied to the government of *New-York* for grants of those lands, till after the alteration of jurisdiction in 1764, except it be, as is pretended by the *New-York* scribblers, that their government extended patents from within the said twenty mile line across the same, and on some part of the premises in dispute, many years before the government of *New-Hampshire* granted those lands—which will be hereafter considered: But, would further add, it is matter of dispute whether the administration at home would recognize those patents granted by the government of *New-York*, on the premises aforesaid; though antecedent to those granted by *New-Hampshire*, inasmuch as the royal adjudication, in 1764, could not antecedently impower the government of *New-York* to grant

them lands, which by royal adjudication of the line of jurisdiction between *New-Hampshire* and *Massachusetts-Bay*, fell within the government of *New-Hampshire* in 1739, as aforesaid. However, for argument only, we will suppose the governments of *New-Hampshire* and *New-York* had each of them equal authority to grant those lands—then on this stating the case, prior granting would of consequence be priority of title. The first conveyance, upon this hypothesis, being good and valid both in law and equity, must necessarily defeat any subsequent grant from the crown or its representatives, being as authentic, to all intents and purposes, as any conveyance of the fee of land from the crown can possibly be.—Thus it appears upon this most favorable concession to those on the part of *New-York*, that the argument preponderates in favor of the claimants under *New-Hampshire*, as their grants are prior to those of *New-York*, (except in the instances of the old patents, yet to be considered.)

FURTHERMORE, it appears by the express words of the *New-Hampshire* grants, that the grantees were not only entitled to the fee of the lands therein described, but also to all the enfranchisements, and each and every of the privileges and immunities that by law his majesty's subjects in the province of *New-Hampshire* enjoy; so that at the same time the grantees were vested with the fee of the land, they were enfranchised with, and entitled to all the privileges and immunities contained in their charters; as the holding of fairs, choosing town officers, and making and mending their own roads, &c. It is therefore humbly conceived, that provided it should be the future pleasure of his majesty, to continue the said lands in the jurisdiction of *New-York*, (which by the settlers aforesaid is hoped will not be the case) that the claimants and settlers under the said grants, will nevertheless have his majesty's gracious approbation to enjoy without let or molestation, the privileges of incorporation therein contained; the grantees having ever considered those privileges as inseperably connected with the grant of the fee-simple.

## SECTION III.

FROM the facts and reasons that have been advanced in the foregoing sections, it manifestly appears, that the title of the claimants under *New-Hampshire* to the lands in question is indefeasible; yet still there are sundry considerations that may serve more abundantly to confirm and establish this title beyond hesitation. As,

FIRSTLY, The far great part of the extent of jurisdiction of the province of *New-York*, and great part of *New-Hampshire*, depended entirely on his majesty's pleasure, being wholly in the arbitration of the crown, to be either curtailed or extended. The real grant on which the original circumference of the government of *New-Hampshire* founded, extended but sixty miles from the sea into the country, to the westward, terminating about twenty miles east of *Connecticut*-river. This government was afterwards enlarged by his majesty's commission to *Benning Wentworth*, Esq; governor of that province, directing it to extend to the westward until it should meet with his majesty's other governments. Which clause of western extention in the said commission, as well as the royal adjudication of the boundary line between this government and the *Massachusetts-Bay* in 1739, and report of the lords of trade in 1755, and many other arguments mentioned in this and the foregoing sections, all on the part of *New-Hampshire*, amount to sufficient evidence that their government extended so far west as twenty miles east of *Hudson*'s river. And with respect to the province of *New-York*, its original

northern circumference terminated south of the city of *Albany*, and afterwards, as plantations are [were] extended northerly, either on patents procured immediately from the crown or government, or meer settlements on extra-provincial lands, commissions from the king to the respective governors were enlarged, as in the example following, viz. 'A. M. Esq; captain general, governor and commander in chief in and over the province of *New-York*, (then follows the enlargement,) and the territories depending thereon in *America*.'—These territories are that extention of jurisdiction beyond their first circumscribed limits, terminating south of *Albany*, called the province. This territorial extension of jurisdiction is altogether in the arbitration of the crown to curtail or extend as before represented. This being the case, the respective governors can no other way be judges of the extent of their jurisdiction, but by directions given them in their commissions, together with his majesty's express proclamations, and public determinations relative thereto, as in the instance of the royal adjudication in 1764; a publication of which by his majesty's order, gave his subjects to understand, that it was his pleasure that the territorial jurisdiction of *New-York* should extend to the west banks of *Connecticut*-river, which includes the disputed premises within that government. Before this it was impossible for the subjects to know it; if they could have understood it without his majesty's proclamation certifying the same, such proclamation would have been needless and impertinent. The truth of the matter is, his majesty, in 1739, determined *New-Hampshire* government should cover the present disputed premises; he altered his determination in 1764, whereby *New-York* extended its territories over the same land. And the king has an undoubted right to alter and regulate the jurisdiction of royal governments as may seem to him mete, so long as his royal power exists; and for *New-Yorkers* to amuse people of common sense, pretending that it is the ancient and indisputable right of the colony of *New-York* to extend to the west banks of *Connecticut*-river, as its eastern boundary, is the very height of folly. It was in the nature of things absolutely impossible his majesty himself should have known that to have been the case the moment before he determined it, and equally inconsistent that the subjects should know it before his majesty proclaimed it.

Furthermore, it appears by the representation which was laid before his majesty by Lieutenant governor *Colden*, as an inducement to prefix the west banks of *Connecticut*-river [as] the eastern boundary of the province of *New-York*—That they were arguments of conveniency, holding up to view that it would be greatly to the advantage of the inhabitants on the *New-Hampshire* grants to be under the jurisdiction of *New-York;* which arguments are incompatible with the idea of antecedent right of jurisdiction. Likewise, from hence we may see the inconsistency of that government or its patentees, in founding their right in fee to the lands in contest, by virtue of the said royal adjudication of the boundary line on the west banks of *Connecticut*-river; inasmuch as it cannot operate to their advantage antecedent to the date of that adjudication, and afterward cannot be considered any thing more than a mere line of jurisdiction between the respective governments.

It should be furthermore considered, that neither governments were vested with the fee of those lands; their case, in this respect, is quite the reverse of that of proprietary governments, who have a right to appropriate the soil. In royal governments, it is true, the governors have a delegated authority from his majesty to grant crown lands; and in such governnents it is a prerogative of the crown to alter the limits of jurisdiction; his majesty hath a right to re-annex the disputed premises

to his province of *New-Hampshire*, (in which it formerly was, and on the faith of which the claimants under that government purchased and settled the same lands,) or incorporate it into a new government, or continue it under the present jurisdiction, as his royal wisdom may discern to be best for the governed: But, upon such alterations of jurisdiction, private property is never changed or subverted. For, if the property of the subject be in the arbitration of the crown, and liable to the same vicissitudes and changes with jurisdiction, this would destroy the very nature of property, and would render a king absolute, and despotic, which is perfectly inconsistent with the constitution of the kingdom.—Therefore, to convey or alienate property, is the sacred prerogative of the rightful *owner*.—Kings and governors (in the kingdom of *Great-Britain*) cannot intermeddle therewith. There is indeed as much difference between the change of jurisdiction, and transfering the property of the subject, as there is between light and darkness, although since the said royal adjudication in 1764, the *New-Yorkers* have endeavored to blend them together to answer sinister and lucrative purposes.—They were sensible, undoubtedly, that such the aforesaid arguments were conclusive against their monopolizing the fee-simple of said lands; and as it is very common for people, who are upon a design of engrossing the property of their neighbour, to set up some specious pretence of right, to vindicate themselves from the imputation of dishonor and reproach; so in the present case, the *New-Yorkers* endeavored to draw the curtain of the duke of *York* over their knavery, and under the feigned character of heirs, to that apostate duke, claim the lands aforesaid, and fancy themselves the owners of towns, (fields) and houses that they builded not.

## SECTION IV.

ALTHOUGH the arguments contained in the foregoing sections are full and conclusive, relative to the nullity and nothingness of the duke of *York*'s grant, at least such part thereof as concerns the present dispute; and that neither the government of *New-York* or its patentees gain any manner of title to the land in contest, by predicating it on the validity of that grant, yet the general assembly of the said province in their state of the rights, &c. venture the stress of their whole cause thereon, and deduce all their arguments of title to those disputed premises therefrom: It is therefore partly out of compliment to them, as well as more fully to invalidate, and apparently demonstrate, to every capable judge, the utter insufficiency and defeat of title to those lands, by conveyance from the government of *New-York*, that the grant of [to] the duke of *York* is here brought under consideration: and in order thereto, it is necessary that the second grant be here inserted, which is transcribed from the *New-York* pamphlet verbatim.

"EXTRACT of King CHARLES the Second's Grant of the Province "of *New-York*, to his Brother JAMES, Duke of *York*.

"CHARLES the second, by the grace of God, King of *England*, *Scotland*, *France* and *Ireland*, defender of the faith, &c. To all to "whom these presents shall come, greeting: Know ye that we, for divers "good causes and considerations, have, of our especial grace, certain "knowledge and mere motion, given and granted, and by these presents, "for us, our heirs and successors, do give and grant unto our dearest "brother, *James*, duke of *York*, his heirs and assigns, all that part of the "main land of *New-England*, beginning at a certain place, called or "known by the name of *St. Croix*, next adjoining to *New-Scotland* in

"*America;* and from thence extending along the sea coast, unto a cer-
"tain place called *Petuaguine* or *Pemaquid*, and so up the river thereof
"to the furtherest head of the same, as it tendeth northwards; and ex-
"tending from the river of *Kenebeque*, and so upwards by the shortest
"course of the river *Canada* northwards: And all that island or islands,
"commonly called by the several name or names of *Matowacks* or *Long-*
"*Island*, situate and being towards the west of *Cape-Cod;* and the *Nar-*
"*row Highgansetts*, abutting upon the main land; between the two riv-
"ers there called or known by the several names of *Connecticut* and
"*Hudson*'s-river, together also with the said river called *Hudson*'s, and
"all the lands from the west side of *Connecticut*-river, to the east side of
"*Delaware* bay: and also, all those several islands, called or known by
"the name of *Martin*'s [Martha's] *Vineyard*, and *Nantuckes*, otherways
"*Nantucket;* together with all, &c. Dated the twenty-ninth day of *June*,
"in the twenty-sixth year of the reign of king CHARLES the second."

IT appears from the sequel of the representations, narratives and arguments contained in the *New-York* pamphlet, that the government of *New-York* do not pretend to any conveyance of the fee of the lands in contest from the duke of *York*. But their grand hypothesis is, that the jurisdiction of their government from the first establishment, was predicated on, and bounded by the descriptive limits of the said grant; and consequently, that the disputed premises was never in the government of *New-Hampshire;* and, that that government never was vested with authority to grant those lands, and also consequently, that the grants by them made, are in their own nature void. This is the sum of the *New-York* arguments relative to their title to those lands. Here

FIRST, it is necessary the descriptive limits of the above rehearsed charter be brought under consideration; which includes the countries of *St. Croix*, adjoining *New-Scotland*, *Pemaquid*, the river *Kenebeque*, and the islands known by the name of *Martin*'s *Vineyard*, *Nantucket*, &c. All these countries lying east of *Connecticut*-river, and within the actual jurisdiction of the provinces of the *Massachusetts-Bay*, *New-Hampshire*, &c. and at present not contended for on the part of *New-York*. Their general assembly, in the "state of the right," &c. had done well to have informed the public, whether their "ancient and indisputable right" of jurisdiction extended to every part of the descriptive limits of the grants aforesaid, and if not, to which part it was circumscribed; and when done, and by what authority; whether their governors' commissioners, [commissions,] at any time, particularized and determined to what part of the limits of the said duke's grant their jurisdiction should extend more than another, or to the whole; or, whether any royal edict or proclamation, had ever thus given them such predicated limits of jurisdiction: this is absolutely necessary for them to do, in support of their title to the lands in question. And furthermore, it is requisite for them to demonstrate that those lands were actually contained in such their former limits of jurisdiction: but, if the government of *New-York*, from royal determination, cannot extend jurisdiction to any one part of the descriptive limits of the grant aforesaid, more than to another; then, on this hypothesis, their jurisdiction includes the whole limits contained in the grant, or none at all; that it includes the whole, will not be pretended, and that any party, as predicated on them limits, cannot be made to appear: but on the contrary, it appears his majesty and council had no reference to any part of the limits of this grant, in determining the boundaries of the jurisdiction of *New-York* in 1764, as may appear from the royal order itself, an extract of which is as follows: "His majesty
"with the advice of his privy council, doth order and declare, That the

"west banks of the river *Connecticut*, from whence it enters the prov-"ince of the *Massachusetts-Bay*, as far north as the forty-fifth degree of "northern latitude, to be the boundary between the said two provinces." That parallel of latitude is also established its northern boundary. The source of *Connecticut*-river is supposed to be something to the northward of latitude forty-five, and comes much from the north-east, a considerable distance after it passes that latitude; but it is notorious, that the source of *Hudson*'s river is far south of it; so that by comparing the descriptive limits of the duke of *York*'s grant, with those expressed in the royal order, they will be found to be materially different. The limit of that part of the duke's grant which respects the present arguments, is in the words following: "Together also with the said river called *Hudson*'s "river, and all the lands from the west side of *Connecticut*-river to the "east side of *Delaware*-bay;" which limit, in any possible construction of it, can include but part of the disputed premises, (which said premises extend and are bounded on the forty-fifth degree of north latitude,) as will more fully appear in a further discussion of that line. But,

First, it is manifest that the king and privy council, in determining the extent of the jurisdiction of the province of *New-York*, did not proceed upon the idea of that government's having any antecedent right of jurisdiction to those lands. Had that been the case, the royal order had been predicated on the boundary lines of the duke's grant aforesaid, and could not have comprehended any more land than "from the west "side of *Connecticut*-river to the east side of *Delaware*-bay;" and these bounds are so loose, vague, and indeterminate, that it is altogether impossible to found a line of jurisdiction thereon, as will more abundantly appear by the following observations on the descriptive limits thereof, which may be seen at large in the fore part of this section. Therefore, such part only as is necessary for the consideration of the indeterminate bounds before spoken of, is here quoted; which, after describing the situation of *Long-Island*, and that it abuts upon the main land "between "the two rivers there called or known by the several names of *Connec-*"*ticut* and *Hudson*'s river," begins the description under consideration, "together with the said river called *Hudson*'s river." Observe, that as the description of this river is not immediately connected with any foregoing or following discriptions in said grant; nothing more can possibly be included in it, but a discription of the river only, exclusive of one foot of land on either side. The second discription "and all the land "from the west side of *Connecticut*-river to the east side of *Delaware*-"bay." The best mathematition on earth cannot ascertain these limits, except upon arbitrary principles, as there can be no prefixed place on *Connecticut*-river where to erect the first bounds; and as to any particular place on the "east side of *Delaware*-bay," where to erect a second, is altogether undetermined in this discription: But, inasmuch as it includes all the land from the west side of *Connecticut*-river, &c. there is a little better foundation to establish the first bounds than the second. It seems in order to include all as aforesaid, it would be necessary to extend either to the head of the river, or to the most northerly extention of the whole stream, to make the first bounds; and provided this imaginary bounds should extend north of the forty-fifth degree of northern latitude, it would so far exceed the settlement of the line in 1764. Be this as it will, the most northerly part of the river, which would most likely be the head, would be the most favorable on the part of *New-York*, for to establish a first bounds, and from thence to extend a straight line to some place on the east side of *Delaware*-bay; this is something of a natural construction, on the undeterminate descriptive limits aforesaid, without exploring *Connecticut*-river, which in this case is necessary.

And, first, in tracing said river to its source, it is found towards its extremity, to come much out of the northeast. This being the case, a straight line from its head to *Delaware*-bay, would cross said river and include a large tract of land on the east side, and perhaps cross the river sundry times. The consequences may be drawn thus, that where the line may be supposed to cross the last time ought to be the first real north boundary of the "ancient and indisputable" limit of jurisdiction of *New-York*. For, if the bounds at the head of the river before spoken of, be so established, it would include considerable land on the east side of the river, within the old boundary of *New-York*, which is contrary to any idea to be gained from the descriptive limit aforesaid, viz. "and all "the land from the west side of *Connecticut*-river," &c. Still it may be queried whether there may not be another proposed first boundary better purporting [comporting] with the description of "and all the land "from the west side of *Connecticut*-river to the east side of *Delaware*-"bay," between the head of the river, and the place where the imaginary line was supposed to pass? To this it may be answered, that a place between these two, so far up the river as in tracing a straight line from thence to *Delaware*-bay, would not cross the river, may better agree with the above description: Still, from none of these imagined lines, from the different imagined bounds, or from any other projected, possible, first bounds, can such a straight line be ascertained, till the place for the south-western boundary on the "east side of *Delaware*-bay" be established. And the vagueness of the descriptive limits is so great, that it cannot be determined whether that bounds shall be at the northern extremity of the east side of *Delaware*-bay, or at the southern, where it communicates with the main ocean, or at any other intermediate place between these two: so, that from the uncertainty of the second bounds, it is impossible to establish the first, so as exactly to include "all the "land from the west side of the said river to the east side of said bay," and no more. And

THUS it is demonstrated from the vagueness, uncertainty and absoluteness of the descriptive limits of the grant to the duke of *York*, before quoted at large, that it is in the nature of things absolutely impossible to ascertain it. From hence follows a second necessary inference, viz. That it is equally impossible and contradictory, that governmental jurisdiction should be predicated thereon; for an ideal uncertain jurisdiction, in its own nature incapable to be determined, is in reality none at all. And from hence follows a third inference which determines the sequel of the argument on the subject of property, concerning the lands in question, to be in favor of the claimants under *New-Hampshire:* For, it is in the last place equally contradictory and impossible, as in the case of the absurdity of ascertaining the limits of the pretended "ancient" jurisdiction of *New-York*, predicating it on vague and undeterminate boundaries, that, that government should predicate their right to the fee of lands by them thus unascertainable; for as uncertainty and natural impossibility of a jurisdiction's being rendered determinate makes it in reality to be none at all; so the idea of property, predicated thereon, is equally impertinent. True it is, by the royal determination in 1764, the east line of *New-York* extended to the west banks of *Connecticut*-river, which may be foundation for conjecture, that that limit might have reference to a description in the duke's grant aforesaid, "and all the "lands from the west side of *Connecticut*-river," &c. Yet when the representation made by lieut. governor *Colden*, to his majesty in council, as mentioned in this pamphlet, under the head of the narrative, &c. comes to be considered, it will reflect light on this point. The arguments made use of in the said representation were those of conveniency and advan-

tage to the settlers on those lands to be in the government of *New-York:* and, that the west banks of *Connecticut*-river was a good and certain boundary, &c. These were undoubtedly the preponderating motives of determining the west banks of *Connecticut*-river to be the east boundary of *New-York*, and such arguments are utterly inconsistent with the notion of an "ancient indisputable right" of jurisdiction.

THERE is still another consideration which may be of moment in the observation of this, so trumpt up, "ANCIENT RIGHT OF JURISDICTION" of the province of *New-York*, to the lands in contest: If it be admitted a line should be drawn from the most northerly part of *Connecticut*-river to the most northerly extremity of *Delaware*-bay; still, it is by no means probable such line would include more than one half (if so much) of the lands in dispute so far as may be judged from the latitude and longitude of the respective objects: for considering the course of *Connecticut*-river, which is nearly from north to south, except towards its extremity; and the sea coast, from the river's mouth, together with *Delaware*-bay, forming also an indented line to the south of west; the land included in these limits, by a line drawn from *Connecticut*-river to *Delaware*-bay as aforesaid, would (excepting the small promontory formed by the mouth of the bay and the ocean) lye in the figure of an obtuse angled triangle; and the course of the said line from the river to the bay, according to occular survey, would be from the northeast a southwesterly direction; which very badly comports with the present north and westerly exercise of jurisdiction of the government of *New-York*, at *Crown Point*, *Detroit*, &c.—It may here well be observed, the settlers under *New-Hampshire* seem to be in a critical situation; every arbitrary measure under the present administration of the government of *New-York* is exercised against them; and provided they flee to the eastward to procure inheritance, there they are fore-closed, the descriptive limits of the said ancient jurisdiction covers them, (to wit) the countries of *St. Croix*, *Pemaquid*, *Kenebeque*, *Nantucket*, *Martin*'s *Vineyard*, &c.—Yet there is another large unknown country to the west and northwest, which has been but partly explored; and provided these people, instead of fleeing to the eastward, should turn their course to those countries; there, it is indisputable but that *New-York* would encircle them with another odd description of domain contained in their governor's commissions, i. e. "*A. B.* captain general governor and commander in chief in and over "the province of *New-York*," next follows the description hinted, "and "the territories depending thereon in *America*."

FROM the foregoing descriptions of the government of *New-York*, it appears they lay claim to so extensive a domain three different ways, or have three different modes or modifications in comprehending and engrossing their progressive limits. As,

1stly. THE province of *New-York* which falls short of and terminates considerable south of the city of *Albany*.

2dly. "The territories depending thereon in *America*,"—These territories comprehending such plantations, on extra-provincial land, as are and have been carried on adjoining to the province till its territories are at present extended to *Detroit*, and the neighbourhood thereof, &c.

3dly. THE limits of the duke of *York*'s grant, and inasmuch as the grantees and settlers on the lands in dispute hold their title under *New-Hampshire*, and that government had for several years exercised their jurisdiction over those lands, even till 1764—Therefore in this case the government of *New-York* could not extend their territorial sort of jurisdiction over the premises; for such sort of jurisdiction might be challenged on the part of *New-Hampshire* (if it should be admitted at that time said premises were extra-provincial lands) and that with far the

most propriety, inasmuch as that government had granted the land and began settlement thereon. Add to this the following clause in governor *Wentworth*'s commission, which they viewed to be of great weight in this case, which, after describing the former limits of *New-Hampshire*, [added] "and from thence extending west till it meets with his majesty's other "governments." Add to this also, the reasons held forth in the chain of arguments, contained in the three first sections; all which were too potent for the *New-York* territorial sort of dominion to frustrate. At that juncture therefore, the lawyers, land-jobbers, politicians, &c., planned out the aforesaid three modes of jurisdiction, predicating it on the descriptive limits of the grant to the duke of *York*. And on this new moddled plan breathed an air of "ANCIENT AND INDISPUTABLE RIGHT OF" jurisdiction, and consequently to the fee of the lands in contest.

THE first intimation that ever saluted the ears of the public, asserting it to be the ancient right of the colony of *New-York*, to extend to *Connecticut*-river as its eastern boundary, was discovered from a proclamation given under the hand of *William Tryon*, Esq; governor of the province of *New-York*, &c., and dated the 11th day of *December*, 1771. His proclamation begins after the following manner: "Whereas it is the ancient "and incontestible right of this colony to extend to *Connecticut*-river, as "its eastern boundary."

THIS was drawing a positive conclusive [conclusion] from fictious, [fictitious,] and till that time, unheard of premises, and rather influenced people in the several governments, to purchase and settle under *New-Hampshire*, than diswade therefrom; for common fame and common sense were a barrier against the belief of this *New-York* doctrine, which from the time of the royal adjudication in 1764, was by the proclamation aforesaid, antidated to "ancient." That this doctrine till then was incontested, is thought to be true; for it had but then peept to public consideration, and has ever since been contested.

SHOULD this their new hypothesis be admitted, yet, as hath been before observed, these limits could include but part of said lands, according to the best judgment that can be formed without an actual and accurate survey of the descriptive limits of said grant; which if the *New-Yorkers* can do and fairly demonstrate, to any able mathematicians, and competant and impartial judges, that they have rightly ascertained those limits, it is engaged on the part of the claimants under *New-Hampshire*, that they shall yield up to the land-jobbers of *New-York*, their lands and labour: an object which undoubtedly would be grateful and pleasing to them; and which they have many years been in pursuit of, and have hitherto had the mortification to be baffled. It is very incumbant on the government of *New-York*, in order to found title to those lands on this new scheme,

FIRSTLY, to ascertain the limits of their imaginary bounds. This the claimants under *New-Hampshire*, will expect compleated, or to hear no more of those "ANCIENT AND INCONTESTIBLE" boundaries of *New-York*.

## SECTION V.

THE general assembly of the colony of *New-York*, in their state of the right of that colony, &c., page 3d, wave the right of the *English* by first discovery, as being foreign to their purpose, and that the *Dutch* possessions are only material to be supported; and claim no further right by way of the *Dutch*, but priority of possession. Yet in the same page inform, "when the first war between *England* and *Holland* became inevit-"able, king *Charles* the second, by letters patent dated the 12th day of

"*March*, 1663-4, granted to his brother the duke of *York* the tracts of "country, which comprehended *New-York*. To render this gift effectual, "before the war was proclaimed, a fleet and land forces were sent out to "remove the *Dutch* and put the duke in possession." The circumstances that attended the making this grant, and sending the armament to render it effectual, is a sufficient reason to determine that the government at home, at that time, viewed the *Dutch* settlement as an intrusion, and possession (which is all they rely on) gained by trespass, in legal construction, is no possession at all. That the *English* had prior right to all the countries from forty to forty-eight degrees of north latitude, by virtue not only of discovery by *Sebastian Cabot*, and others, but by being in actual possession of several parts of the premises, is matter too well known to be disputed.

WHETHER there was real seisin in the crown or not at the time of granting these countries, is not truely in question; since every grant so made is incontestibly valid against the king, his heirs and successors; and the colony of *New-York* being entirely dependant on the crown of *Great-Britain* for their title, priority of charter is therefore necessary to be determined.

THE grant of king *James* the first to the council of *Plymouth*, bearing date at *Westminster*, the 13th day of *November*, in the eighteenth year of his reign, comprehends all the lands, islands, &c., from forty to forty-eight degrees of north latitude, through the main land from sea to sea. "On the 19th day of *March* 1628, the council of *Plymouth* under their "common seal, did grant to Sir *Henry Roswell*, Sir *John Young*, and "others, their heirs and associates forever, all that part of *America* lying "between the great river there, commonly called *Monomack*, alias *Mer-* "*imack*, and *Charles* river, within the space of three miles to the north-"ward of the same river, called *Monomack*, alias *Merimack*, or to the "nothward of any or every part thereof, and in length and longitude of "and within all the breadth aforesaid, throughout the main lands there, "from the Atlantic or western sea or ocean on the east part, to the South "sea on the west part."

THIS deed of sale at the suit of the grantees, with a charter of incorporation, was granted and confirmed by king *Charles* the first, the 4th day of *March* 1629, wherein the limits are exactly the same with those in the *Plymouth* conveyance; and the proviso of *Charles*, that the actual settlement of the subjects of other christian states [was] to determine the extent, the same as was the proviso in *James*'s grant to the *Plymouth* company.

THIS same charter of incorporation was adjudged void in the high court of chancery of *England* in 1684; from which the assembly of *New-York* in their state, &c., page 5th, take occasion to say "the title of that colony "now solely depends on their new charter of 1691." Nevertheless, the right of soil to all and every part of the deed of sale aforesaid, remained indefeasible; for, only animadvert back to the *Plymouth* conveyance, and observe, that the right in fee, was by them conveyed to the grantees; and trace it to king *Charles*'s charter of incorporation, which only vested the grantees with powers of government. Though it is true, this charter contains all the formality necessary in the conveyance of the fee; yet is, so far as respects the fee, no more than a duplicate of what was before granted, which neither adds nor deminisheth; and it is easy to see, that the court of chancery could not vacate or make void, at most, any thing more than those incorporate privileges; and likewise as easily discernable that nothing more was attempted. Thus the colony of the *Massachusetts* still hold their right in fee, by conveyance of king *James* to the council of *Plymouth*, who were their grantors.

In the next place it may be observed, that in 1691 the privileges of incorporation were restored; tho' our authors in their state &c. endeavor to curtail the colony of the *Massachusetts*, by construing their last charter to extend no further west than the east limit of the colony of *Connecticut*. Their words are these, "these words (*as far as*) being in the "case of the grant of the crown on the suit of the party, in legal con- "struction, carry the *Massachusetts*-bay colony no farther westward than "till it meets the colony of *Connecticut*, and not to *Connecticut*-river, "and much less to the westward of it." Be these bold assertions as they will, and provided it be here admitted, for argument sake, that the powers of jurisdiction of the province of the *Massachusetts*-bay be ever so much curtailed, yet one proposition we can verily be assured of, viz. That it is not in the power of king or chancery to curtail or deprive them of their property.

It is to be further observed, that however our authors may criticise upon the gramatical or legal construction of selected words or phrases; yet, a little attention to the following real facts, will clearly point out the inconsistency of such sophisms.

Firstly, *Connecticut* charter, granted by king Charles the second, the 23d day of *April* 1662, was bounded and extended in length, by and with the *Massachusetts* first charter, granted by king Charles the first, the 4th day of *March* 1629, which incontestibly extended agreeable with the aforesaid descriptive limits of the deed of sale from the council of *Plymouth* to sir *Henry Roswell*, sir *John Young*, &c. and extended through the main land in longitude to the south sea on the west part.

This charter, as above, being nullified in the high court of chancery of *England* in 1684, and restored again in 1691, wherein the west extent is predicated by that of *Connecticut*, and this west limit of *Connecticut* being predicated by the old charter of the *Massachusetts*-bay, and expressly extending in longitude to the South sea on the west part, exactly extends the present charter of the *Massachusetts*-bay, with its powers of jurisdiction, to all and every part of the limits of the old nulled charter. This is the natural and legal sense of the present charter of the colony of the *Massachusetts*-bay, predicated on undeniable facts.

In the next place 'tis necessary to consider the charter of *Connecticut*, which our authors inform should not extend west of *Connecticut*-river, in the words following: "This being a crown grant on the suit and peti- "tion of the grantees, is to be taken most beneficially for the king. The "descriptive words, and the intention of the grant, will in legal con- "struction be satisfied by giving the colony the same length as the *Mas-* "*sachusetts*-bay; and it is plain both from the recital and the saving "clause in the *Plymouth* patent, on which the *Massachusetts*'s title was "founded, that the latter cou'd not in any sense, extend to the westward "of *Connecticut*-river." As this their assertion is founded on the hipothesis of *Connecticut* charter's being predicated on that of the *Massachusetts*'s, and therefore the arguments before exhibited on that head, are equally conclusive for the establishing the western extent of *Connecticut*, nothing more is necessary for that purpose, but a recital of the descriptive words of their charter, granted subsequent to their purchase from the council of *Plymouth* by king Charles the second, the 23d day of April 1662, "bounded on the east by *Narragansett*-river, commonly called "*Narragansett*-bay, where the said river falleth into [the] sea; and on "the north by the line of the *Massachusetts* plantation; and on the sea, "and in longitude as the line of the *Massachusetts* colony, running from "east to west: that is to say, from the said *Narragansett*-bay on the east, "to the South sea on the west part." Thus it appears, and [not] only by the demonstrations aforesaid, but from the express words of the de-

scriptive limits of the charter itself, which cannot admit of a double meaning, (curious as our authors be in the art of playing with words, they have not attempted to obviate their literal meaning,) that it is the unquestionable right of the colony of *Connecticut* to extend its western boundary to the South sea on the "west part;" and in this that colony agree, who are now challenging their right in fee to those limits, and actually making plantations, as at *Susquehannah*, &c.

By this time, undoubtedly queries will arise in the mind of the reader what will become of the grant to the duke of *York*, if the *Massachusetts* and *Connecticut* colonies extend "to the South sea on the west part?" The following intelligence from our authors will introduce an answer to this query; who, after describing said grant further inform in page 3d of the state, &c.—That "a fleet and land forces were sent to remove the "*Dutch* and put the duke in possession." Accordingly, on the 27th day of August 1664, the *Dutch* governor *Stuyvesant*, surrendered by capitulation, all the countries the *Dutch* then possessed, to King Charles the second; when among other terms it was stipulated, "that all the people "shall remain free denizens, and shall enjoy their lands, houses, and "goods, wheresoever they are within this country, and dispose of them "as they please." Thus by conquest, the king became revested with his right to the lands conquered: for, as the king had antecedently disposed of the estate the crown was possessed of in these countries, to the colonies of *Connecticut* and the *Massachusetts*-bay; therefore his right now could not extend any further than the actual conquest, which, in legal construction, must be satisfied with, and can extend no further than the actual possessions described in the forementioned capitulation. A further information is in page 4th, "To remove any doubt of the valid-"ity of the duke's title, either from the want of seisin in the crown when it "originated, or on account of the intermediate conquest by the *Dutch*, "it was confirmed to his royal highness by further letters patent, dated "the 29th day of *June* 1674." That there was want of seisin in the crown at the time of first granting, is incontestible: for, as above said, the king by antecedent grants had divested the crown of its right, and by this conquest became revested: So that from this, occasion will be taken to say, that in fact the province of *New-York* was originally founded on conquest, and the limits of it, as before mentioned, circumscribed by the *Dutch* possession pointed out in the terms of capitulation. However unfavorable this conclusion may be thought on the part of *New-York*, yet, as the crown had, prior to either of the duke's grants, disposed of its right to the *Massachusetts* and *Connecticut* colonies—if it was not thus founded on conquest, it hath no foundation at all; and its having any place for existence, is but an "intrusion on the rights" of those other colonies. Furthermore, it is mysterious and contradictory, admitted that that government was thus founded, to suppose the duke could be lord proprietor; inasmuch as by the conditions of capitulation, the fee then acquired to the crown, passed to the *Dutch* inhabitants, who then became *English* subjects.

Though this tract of land now in contest, was contained in the original grant to the council of *Plymouth*, yet as they never made any conveyance of it, therefore it reverted to the crown on the surrender of that grant, the 7th day of *June*, 1635. From which it may be objected, on the part of *New-York*, that the above conciseness in the circumscription of the boundaries of their colonies is too great; for, that the grant to the duke must hold good where the crown, at the time of granting, was vested with a right to the lands granted. In answer, it has been argued in the preceding section, that it is very uncertain whether the limits of the duke of *York*'s grant included this tract of land, or if any, how

great a part; and that the limits of said grant cou'd not be ascertained —and that governmental jurisdiction, and property, cou'd not be predicated on such obsolete and uncertain bounds. It was also demonstrated in the first section, and will be further observed in this, that the duke of *York*'s grant reverted to the crown, and that the landholders in the government of *New-York* hold under the crown, and that, if it did not revert to the crown, the fee is still in the duke, his heirs and assigns, and no landholders in the government are vested with the fee of the lands they possess, &c.* It would be too tedious as well as needless to recite the arguments that have been offered in the three first sections, which is humbly conceived are abundantly sufficient to answer the aforesaid objection, and fairly demonstrate priority of title to be in favor of *New-Hampshire;* to which the curteous reader is referred for a consideration.

As has been before observed, the design of the duke of *York's* grant was to include the *Dutch* possessions; or in other words, that it never was valid any further than to such possession, which, by conquest, reverted to the crown; and no farther than these limits, to interfere with the charter colonies of the *Massachusetts* and *Connecticut.* And as ε twenty miles line to the eastward from *Hudson*'s river would include the most eastern extent of the afore-mentioned possessions, [this is] the reason why such a line was agreed to as the boundary between the colonies of *Connecticut* and *New-York:* But, as these possessions to the northward of *Connecticut*, fell far short of this twenty mile line, or were so inconsiderable and uncertain as not to come within the capitulation reserve, therefore the *Massachusetts* colony contended with *New-York* for a further western extent than twenty miles east from *Hudson*'s river; but the restless government of *New-York*, ever uneasy within its own boundaries, presumed, unrelenting, to intrude on, and contesting for the just rights of the *Massachusetts*, by extending their patents far to the eastward of twenty miles from *Hudson*'s river; in consequence of which the greatest disturbances have arisen between the inhabitants of the respective colonies, and sundry of the conflicts so severe, that human blood spilt in the contest redened the hands of the intruders; but finally a boundary line was agreed to by the respective governments in 1773, at a twenty miles distance from *Hudson*'s river, which has since been ratified by his majesty.

In the state of the right, &c. page 4th, is the most extraordinary account of alienation of property that is to be found in the annals of history. "The duke continued proprietor and chief governor of this pro-"vince till he ascended the throne, when his right merged in the royal "authority, on his abdication it passed to king *William*, his successor, as "lord proprietor and royal sovereign." That upon the duke's accession to the throne his right of government merged in the royal authority will not be denied, but, that his right in fee consequently passed to king *William* as his successor, wants greater proof than a bare assertion; our authors should have explained this matter; 'tis taken for granted they will not pretend that king *William* was heir at law to the duke's estate; and they mention no conveyance from the duke to the king, but say the "duke's right merged in the royal authority;" to suppose it is possible that right should pass to king *William*, as lord proprietor, is so great an absurdity that it wants a name.

In the same page they further inform, that "in the duke of *York's* "commissions to his several lieutenant governors, Major *Edmond An-*"*dross* on the first day of *July*, 1674, and Colonel *Thomas Dongan* on the

* This argument and conclusion is founded on the *New York* hypothesis, exclusive of the herein mentioned article in the Dutch capitulation.

"30th day of *September*, 1682, among other description of the boundaries "of this province are expressly comprehended all the land from the "west side of *Connecticut* river to the east side of Delaware bay." Note, those commissions were from the duke before he ascended the throne; undoubtedly in his commissions to his lieutenant governors, he had reference to the limits of his grant, to determine their boundaries: but after his abdication, and the accession of king *William* and queen *Mary*, we find a commission from their majestys to *Henry Slaughter*, to be materially different. "King *William* and queen *Mary*, by their commis- "sion, dated the fourth day of *January*, in the first year of their reign, "appointed *Henry Slaughter*, to be governor of the province of *New-* "*York*, and the territories depending thereon in *America*." The same assembly (stiled our authors) further inform, that "in all subsequent "acts and commissions this colony is described by the same words, the "province of *New-York*, and the territories depending thereon in *Amer-* "*ica*." No arguments need be used to prove, for it is self-evident, their majestys had some different idea of the province of *New-York*, than what had been before described by the duke's commissions to his lieutenant governors, and a little attention to the original state of that government, will explain that difference. Our authors further inform, page 17th, "The *Ransselaer* family are not indebted to the government of "*New-York* for their estate, they continue to enjoy it by an act of jus- "tice and not of favor; it was originally a *Dutch* colony of itself, granted "to their ancestors by the *Dutch West-India* company, who held it as a "part of *New-Netherlands*, under the states general. On the surrender "in 1664, their rights were secured to them in common with the rest "of the inhabitants, by the before-mentioned article of capitulation "granted on the surrender of the country, by Col. *Nichols*, the com- "mander in chief under the crown, and lieut. governor under the "duke: the faith of government was pledged for their security, and "their estates were confirmed under the seal of this colony in the year "1685, not by the meer act of the provincial governor and council, but "by an express order of king *James* the second." They further inform, page 5th, "So long ago as the year 1685, king *James* the second, by "letters patent under that seal granted to the *Ransselaer* family the "manor *Renselaerwyck*, extended from *Hudson*'s river both on the east "and west sides twenty-four miles." This manor includes the city of *Albany*, and extends near twenty miles to the southward of it; south of which terminates the province of *New-York*, expressed in their governor's commissions, so that this manor is included in their second description of domain, viz. "the territories depending thereon," and exclusive of this clause in the commissions, antecedent to the fore-mentioned determination in 1764, the governors of *New-York* cou'd not exercise jurisdiction even in the manor of *Renselaerwyck*, and much less to the northward of it, as settlements which lay contiguous to those limits seemed necessarily to fall under the jurisdiction of that government. Thus their territorial sort of dominion hath been extended, without any prescription or limitation, agreeable to the observation of their celebrated judge *Smith*, who, speaking of that government, said "it might well be accounted *unlimited*."

It may be further offered in objection on the part of *New York*, that allowing the foregoing arguments relative to the territories, and that *Renselaerwyck* was, before the æra of the aforesaid determination, in fact annexed to the government by the territorial clause in the governor's commissions; yet, nevertheless the duke's grant must be valid to the northward of that manor, to all the lands it originally covered. This cannot operate in favor of *New-York*, for, in addition to what has been

before argued to this purpose, the reader is desired to observe, that king *James* the second, who was this same duke of York, abdicated the throne in 1688, and his estate reverted to the crown of *England*, and this grant became vested in the crown, the same as though the duke or his grant had never had an existance.—Nor have any of their governors commissions, from *Henry Slaughter*, the first governor appointed by king *William* and queen *Mary*, down to this present æra, ever been predicated on, or had the least reference to the limits of that grant.

## SECTION VI.

THE government of *New-York* make the greatest outcry against her sister colonies, taxing them with intrusion, violence and encroachment; and at the same time, are flagrantly more guilty of the same avaricious, unjust, and hostile wickedness than all the rest of the *English America*. Their capricious land-jobbers have a surprising faculty in carrying their points: at the same time they are encroaching upon their neighbors, provided they meet with opposition, they will cry out in the most exaggerating exclamations, violence, riot, treason &c. and at the same time, not hesitate to trample upon his majesty's authority, (the particulars of which may be seen in the preceding narrative.) They are great advocates for law, order, and *good* government; these are their *horns of iron, and with them do they push the poor and needy, when they get them into their net. Their way is as the way of a serpent upon a rock*, and it is difficult to *trace their footsteps*. They complain of the lawless, factious, and riotous conduct of the settlers under *New-Hampshire;* yet know, that they themselves are the moving cause of all the disturbances they complain of. It is incredible to suppose a collection of farmers exposed to the perpetual fatigues and laborious toils of cultivating a wilderness country, should under a just administration of law, become "a confederacy of insurgents." Was it only that natural presumption being so much in favor of those inhabitants, it is humbly conceived, that all wise and unpredjudiced persons, will, at least, suspend their judgments concerning them, till the *New-Yorkers* can clearly evince, that these people are in reality, without cause, tumultuous, disorderly, &c. And inasmuch as the facts of this controversy is so fully set forth in this treatise, the reader is thereto referred for a clearer exhibition.

OUR authors, in order to maintain their claim to the lands in contest, and if possible, to include it within one of the descriptive limits of the grant to [the] duke of *York*, tell us many strange things about the colonies of *Connecticut* and the *Massachusetts:* that *Connecticut* "in legal construction" should not have extended to the westward of *Connecticut*-river, and that their settlements west of that river were an intrusion on the right of the colony of *New-York;* yet nevertheless for peace sake, and rather than contest with "a powerful neighbor," they settled with that colony at twenty miles distance from *Hudson*'s river.

THEY further inform, that "the *Massachusetts* claim stands by no "means in so respectable a light as that of *Connecticut*," and in legal construction, should extend "no further westward than till it meets the "colony of *Connecticut*, and not to *Connecticut*-river, and much less to the "westward of it." Our authors being men of great learning and sagacity, soon extended their ancient right of jurisdiction over such part of the *Massachusetts* colony as lay to the westward from *Connecticut*-river, and this their scheme in stopping the western extension of that colony where it meets *Connecticut*, may be reckoned as one among the greatest of their political atchievements. "And it is worthy a remark," that

had the *Massachusetts* colony extended west to the South sea, it could not have met *Connecticut*, but must have extended parallel with it, in the same direction.

To give this pleasing scheme some kind of colour, they argue the nullity of the *Massachusetts* first charter; and introduce the duke of *York*'s grant as the oldest title, page 5th,—"the *Massachusetts* charter "was vacated, and the title of that colony now solely depends on their "charter of 1691.

YET they allow, that that colony attained the right of soil from the council of *Plymouth*, and that the charter of king *Charles* dated the 4th day of *March*, 1628–9*, vested them with powers of government. (It's needless to animadvert on these strange accounts) however, after they have charmed their imaginations with the fruitless idea of extending their ancient right to all that part of the *Bay* province west of *Connecticut*-river, they complain bitterly of the encroachments of the *Massachusetts*, page 8th,—"Under circumstances so favorable to the rights of this col-"ony, we have great reason to complain of the unwarrantable encroach-"ments under the authority of the government of the *Massachusetts*-"bay, by which a valuable tract extending from *Connecticut*-river, within "twenty miles of *Hudson*'s river, has been wrested from us."

"THEIR conduct seems the more inexcusable, as they must have "known that such encroachments were not only disrespectful to his "majesty's authority, and big with great mischiefs and disorders, but "were highly injurious to private property, great part of these lands "having anciently been granted to his majesty's subjects under the great "seal of this colony."

THEN they proceed to recite their old grants. which they tell us "cover the country the whole breadth of the *Massachusetts* claim:" The manor of *Renselaerwyck*, granted in 1685, and extending twenty-four miles each side from *Hudson*'s river; and *Westonhook*, in 1705, which extends about thirty miles from *Hudson*'s river; and *Hoosick*, in 1685, which extends about thirty miles from the river. It seems to have been a political and universal principle with the government of *New-York*, to begin their patents within the twenty mile line, and extend them eastward of it, that by this means they might have opportunity to encroach on, and jockey their neighbouring colonies more or less, out of their lands, as subsequent policy, intrigue and power would render practicable.

THAT government, thus extended their patent into *Connecticut*, one in particular, into the township of *Salisbury;* and it has ever been their practice to wrangle till they find by experience, that neither by sophistry, law, or hostility, they can maintain their exorbitant claims, and then capitulate on as good terms as they can; and conclude with branding their competitors with dishonesty, encroachment and many hard names, and don't scruple to impeach their governmental authority, (as in the case just recited of the *Massachusetts*-bay) with being disrespectful to his majesty's authority, and guilty of great mischiefs and disorders; although the authority of their own government, by their unjust, avaricious encroachments on the *Massachusetts* even to *Connecticut*-river, laid the foundation of those disorders, and they might have added bloodshed; yet their assembly have the impudence to palm it all upon the authority of the *Massachusetts*.

THE claimants under *New-Hampshire* are so happy as to be almost exempted from any *New-York* claims, by patents from that government prior to theirs; the aforesaid *Hoosick* and *Wallumscock* patents being the

* This is the charter spoken of as vacated, which was done, as has been before largely treated of, in 1684.

only ones of this nature. The former includes about one quarter of the township of *Pownal*, on which part were about four settlers, when it was granted by *New-Hampshire*. This township is bounded southerly by the north line of the *Massachusetts*-bay, and extends west as far as the *Connecticut* and *Massachusetts* colonies. The latter, i. e. *Wallumscock* patent, was granted under the common seal of the province of *New-York*, the 15th day of *June*, 1739. This patent is said to interfere with the township of *Bennington*, and it is matter of dispute, whether in its first location, it included more than about thirty or forty acres within that town, tho' it seems the patent by its descriptive limits, extends further into the town, and the patentees produce a map corresponding with those limits. This monument is well known by the *Bennington* people, and is on the western edge of the town; and there has never been a discovery of any lines of the survey of that location to the eastward of this monument. The many circumstances of this nature, amount to almost a certainty, that the patentees never made any actual location further interfering with *Bennington*, than as aforesaid; notwithstanding, as they have planned their patent, it includes about one eighth part of the town; which lands are exceeding good in nature, and are settled wholly under the *New-Hampshire* title, by industrious farmers, who from a wilderness state, have cultivated and brought the most of it under good improvements, with many valuable houses, barns and orchards; some of them annually mowing at least eighty tons of hay, and raise other produce of the country in proportion. Not the least improvements of possessions were ever made in that town, except by these inhabitants; neither had they the least knowledge of a pretence of any *New-York* patents extending there till several years after they had settled the land. As has been before observed, there were about four settlers on that part of *Hoosick* patent, included in the township of *Pownal*, when it was granted; and if the author has a right information, there has not been any more settlements made under the *New-York* title since, though there had sundry families settled on the premises included as aforesaid, under the *New-Hampshire* title.

As the state and circumstances of such part of the townships aforesaid as are included in the old patents, are materially different in many respects, from the circumstances of the *New-Hampshire* grants in general, it will therefore be necessary that this matter have a particular consideration; and that none of the aforesaid arguments be considered in this case but what are truly applicable; and in this review of the case, it will be admitted, that the old *Wallumscock* patent includes such part of *Bennington* as the plan the patentees exhibit doth contain.

It is taken for granted that the royal determination of the boundary line in 1764 could not extend the government of *New-York* antecedent to the date of that order, which was a manifestation of royal power, and which was the sole cause of that extention; therefore, at the time the government of *New-York* granted the forementioned old patents, they could have no greater authority for so doing than what they were then in fact possessed of: It remains therefore to be considered, whether the patents from the government of *New-York* are valid or not, so far as they interfere with the townships of *Bennington* and *Pownal*. And firstly, it has been proved that the province of *New-York* as described in their governor's commissions, doth not extend so far north as the city of *Albany;* therefore the northern tracts of country which these patents of *Hoosick* and *Wallumscock* cover, must be considered as belonging to their second sort of domain, (to wit) the territories. It has also been shewn, that these territories are not circumscribed to any particular limits, but that they were originally meant to include some ancient grants that were in-

dependent of the province and adjoining settlements, on extra-provincial lands: probably that government may have authority to grant land to the west and north-west, where it is indisputably unappropriated, and where the claim of none other government could interfere: but it will be insisted upon, on the part of the *New-Hampshire* settlers, which are included in the aforesaid old patents, that the government of *New-York* had no right to extend any of their patents to the eastward of a line equivalent to that which constitutes the bounds between *New-York* and the colony of *Connecticut* and *Massachusetts*. This limit was ever thought by the people in general of the colony of *New-York*, as well as those of the adjacent colonies, to be the eastern boundary of *New-York*, until the æra of the late determination, which extended it to the river *Connecticut:* and labouring men that support the world of mankind, are obliged to form their judgments of the jurisdiction of governments by the common received opinions of mankind they are conversant with; and even admitting they make an erroneous judgment, yet, in the present case, as the lands were of but little value, exclusive of their toil and cultivation, and as the farmers in reality uphold the state, it is therefore not only incumbent on the laws, but on the policy of the state to defend them in cases of this nature.—It must be admitted that where the limits of governments are clearly ascertained and notoriously known, that a farmer trespassing in this manner on another's property, must bear the loss. But, provided a country of people be generally under a deception as to matters of jurisdiction, and purchase land and make great improvements, and all on a mistaken footing; men in such circumstances should be considered in the most favorable light. For, as not only individuals, but the country about them were in the same manner deceived, and therefore, at the time of purchasing and settlement, they were utterly destitute of the means of knowledge; yet, however, it is not conceded to, that those farmers on whose account the present arguments are exhibited, are under a deception about this matter; for of all sorts of governmental jurisdiction, the *New-York* territorial was the weakest, loosest and most vague; it was rather occasional and political, than positive; and in its own nature almost or quite incapable of being extended faster than settlements were actually carried on, or at most the lands exposed to this territorial jurisdiction, should not be patented faster than his majesty's subjects are disposed forthwith to settle. The necessity of granting so fast may be pleaded on account of order—the policy of government may demand it; otherwise an occasional jurisdiction would be altogether unable to abilitate the government to make conveyance of the right in fee; although it is indisputable that such a jurisdiction in matters of meer government, is to all intents and purposes, equal to positive jurisdiction; but with respect to having a power to convey the fee of lands, is matter of doubt: But thus much with propriety may be inferred, that a title so weak and impotent should not claim superiority over the least conception of title whatever; a meer possession is of itself abundantly sufficient to maintain the right in the possessor, and on a judicious trial at common law, (could such an one be had) would be adjudged paramount to it.

THERE is another consideration that must totally extinguish and obliterate all possible remaining idea of right that the patentees of *Wallumscock* may be supposed to have [to] the said tract of land included in the limits of the township of *Bennington*. Only advert to the date of that patent, which is on the 51th [15th] day of June 1739, and compare it with the time of the commencement of the settlement of *Bennington*, which was in the spring of the year 1760, and there will be found to be twenty-one years from the date of this patent, to the beginning of the

settlement under *New-Hampshire;*—in all this time there was not the least settlement or possession made in the premises; although the express condition of the patent was, that it should be settled in three years from the time of granting. Possibly in all that time the patentees might have got some *Dutch* tenants on some western part of the patent, which, with the government of *New-York*, may be denominated a fulfilment of the condition of settlement; many large tracts having been patented, some since and others longer ago than *Wallumscock*, which are yet mostly a howling wilderness. This practice of the government of *New-York* in extending their patents to the eastward of a twenty mile line from *Hudson*'s river, hath ever been considered as a disingenious and designing policy in that government; thereby to lay a foundation for intruding on the rights of their neighbouring colonies; and has been attended with many disagreeable consequences, as has been before observed. And as that government have given up their exorbitant claims where they interfered with the right of the *Massachusetts*, it would undoubtedly be their wisest way to do the same with respect to such claims as interfere with the right granted under the great seal of the province of *New-Hampshire;* and instead of treating the people that have settled those lands under that title, as rioters and felons, to exercise that justice and humanity towards them, which becometh governors to the governed.

It remains still, that there be a summary view exhibited, relative to the rule of right which should take place with respect to the settlers under each government, that are settled on such part of the forementioned patents as are included in the townships of *Bennington* and *Pownal.* And although superiority of title is in favor of those under *New-Hampshire;* nevertheless, as the line of jurisdiction in those times of granting and settlement, was not expressly ascertained or known, under these circumstances, it would not only be bad state policy, but great inhumanity and injustice to the subject, for either the government of *New-York* or *New-Hampsnire* to dispossess them, inasmuch as both challenge a legal right; therefore, either title sealed and confirmed with the sweat and toil of the farmer is abundantly paramount to the other.

Our authors, in their appendix, page 19th, misrepresent the plea of the *Bennington* people, in saying, "To reason on their own principles, if "equity confirmed the claims of others under *New-Hampshire*, on account "of priority of interfering grants, it would have afforded a fatal plea "against the people of *Bennington*; because they ought then themselves "to have yielded up all the lands which are covered by more ancient pat-"ents." The people of *Bennington*, or rather the claimants under *New-Hampshire*, have ever insisted, that at the time the governmeut of *New-Hampshire* granted those lands they had good right to do so; but that *New-York* had not. This matter is illustrated and proved by many arguments, and real facts in this treatise, particularly in the 2d and 3d sections, to which the reader is referred. 'Tis true, provided the *Bennington* people had no further considerations in the matter of title, but the priority of interfering grants—according to this method of arguing, they ought to yield up such part of that town as interferes with *Wallumscock* patent; but the consideration of settlement is undoubtedly, with the many other matters, material to be considered, as argued aforesaid.

## SECTION VII.

HAVING gone through with the remarks on the *New-York* pamphlet, so far as immediately respects the title of those lands which has been the principal cause of the publication of this treatise—shall nextly proceed to detect some notorious and dishonorable misrepresentations contained in the pamphlet aforesaid, particularly in the appendix. In this brief review, it would be too tedious, as well as needless, to trace the authors through all their disguised and fictitious representations, and intricate windings. Shall therefore pass on with noteing such of their exhibitions as are the most cruelly fallacious; among which the story of the extention of the township of *Bennington*, merely by a vote of the inhabitants at a town meeting, to the westward from where it was intended to be granted, and within seventeen miles of *Hudson*'s river, is the most flagrantly opprobrious. The story may be seen recorded in the 4th page of their appendix. "The grantees of the township of *Bennington*, dis-"covered that the situation of the tract according to the intention of the "grant, would be both inconvenient and unprofitable, as it included a "large proportion of mountain; and they therefore, by no better author-"ity than a vote of town meeting, presumed to extend it to the westward "within seventeen miles of *Hudson*'s river."

As this representation in all and every part is entirely groundless, and no pretence of proof to support it, but is the meer calumnious asertion of those who have an implacable hatred to the *Bennington* people, a positive denial of the facts alledged would be sufficient refutation of those facts. Nevertheless as the assembly of *New-York* have made a principal engine of this infamous story of their own creation, to destroy the good character of the people aforesaid, by representing them to the government at home as the vilest of insurgents and outlaws—and inasmuch as the facts alledged are capable of disproof by mathematical certainty, and sundry demonstrations of this sort having been actually made, (though not with a view of disproving this calumny, as it had not then been published,) by admensuration of the distance from *Hudson*'s river, to the westerly line of *Bennington*, all which agree that it is at least twenty miles. Mr. *Samuel Robinson* for once made an actual mensuration of that distance, and found it to be twenty miles and thirty-five chains; his affidavit and Mr. *Ebenezer Wood*'s together with an attested copy of the survey of that town by Mr. *Matthew Clesson*, the surveyor, is thought expedient to transcribe in its following order, which will abundantly serve to exculpate the people of *Bennington* from that odium wherewith they have been branded. The author is furthermore especially directed by the inhabitants of that town, to request the government of *New-York* "to vindicate what their assembly have before alledged, by another accu-"rate mensuration of the distance from *Hudson*'s river, to the westerly "line of *Bennington;* and further notify that assembly, that as omnipo-"tent as they may conceive themselves to be, they must nevertheless "recede from the calumny wherewith they have abused the inhabitants "of that town, or continue under the resentment of those inhabitants:" which take an additional affront at the ill usage, inasmuch as our opponants tell us, page 3d, it is to "be transmitted for the information of the "government at home;" and further inform that it was to guard against the impositions which from the want of candor, they were apprehensive the said settlers, who "spared no art or act of violence," would by their agents deceive the government at home, and therefore they had undertaken to transmit a narrative of those settlers' proceedings, for the information of that government. It seems the said assembly fully resolved

that the settlers and agents from the want of candor, would endeavor artfully to deceive, &c. and that themselves were as fully resolved to over-match them in a game of that sort, being greater practitioners than peasants; but artful as they are, they made a fatal mistake in advancing for matter of fact, that which in its own nature is incapable of proof, and what has been disprov'd by evidence of a mathematical nature, and capable of further disproof by actual mensuration. It is no ways marvellous that those gentlemen which govern in that assembly have an antipathy against the inhabitants of *Bennington*, who have had a great share in defeating them in obtaining possession of the country of the *New-Hampshire* grants. It seems they are not insensible of their merit, for, say they, "it is to this township erected by a charter in itself void, and so "greatly abused, that we are to ascribe all the opposition which has since "been given to the jurisdiction of *New-York*." It is evident that these gentlemen have an evil eye upon *Bennington* inhabitants; for, when they mention the opposition to their jurisdiction, they take care to repeat the aforesaid groundless aspersion, by adding these words, "erected by a "charter in itself void, and so greatly abused." They still proceed upon this their favorite topic, and draw particular inferences from it to their advantage, "for by changing the situation" of *Bennington*, "it is made to "comprehend a large part of *Wallumscock*, which was granted under the "seal of this province so early as the year 1739." This their scandalous assertion is twice repeated in page 8th. One of the passages is as follows: "Mr. *Ingersoll*, one of the most eminent counsel of *Connecticut*, "and Mr. *Sylvester* of *Albany*, were concerned for the defendants. When "these gentlemen found *Breakenridge*'s farm to be within seventeen "miles of *Hudson*'s river, and greatly to the westward of what the gov- "ernment of *New-Hampshire* had admitted to be the jurisdiction of *New-* "*York*—they told him that it was impossible to set up any principle for "his defence. Accordingly, when his case was brought up for trial, he "refused to confess the lease, entry and ousture, agreeable to the rule, "and the plaintiff being non-suited, obtained judgment in the succeed- "ing *July* term, against the casual ejector."

This is far from being the true state of the case. Sundry causes which had been tried, were determined against the claimants under *New-Hampshire*, and Mr. *Breakenridge* perceived it was spending money to no purpose, to maintain a suit at law against the *New-York* patentees, as they had such a combination of interest with the judges, part of which were interested in the *New-York* subsequent patents which interfered with the grants under *New-Hampshire*, though not in those on trial. This, with many other things too tedious to particularize, was the cause why Mr. *Breakenridge* would not defend the aforesaid suit in trial; but there was not a word said, (as he informs me) between him and his said attornies, about his farm's being within seventeen miles of *Hudson*'s river; nor is it likely ever such a thing was mentioned in *Albany* county; the contrary being so well known. Undoubtedly, this was wrote "for the information of government at home," thinking the fallacy would not there be detected it being at so great a distance.

Our authors, page 10th, after giving a narrative of a riotous and tumultuous outrage, committed by the inhabitants of *Bennington*, for which proclamation had issued from the earl of *Dunmore*, against the principal authors of the disturbance "which could not be brought to justice," then they introduce a particular charge against Mr. *Breakenridge*, which is entirely destitute of foundation, viz. That he was one of the principal rioters. To this they join the former calumny of the westward extention of *Bennington*, "by a vote of their town meeting;" and add to both these, the groundless story of Mr. *Breakenridge*'s council's

inability to set up any principle in his defence, by reason of his being seated "within seventeen miles of *Hudson*'s river." All these fictions blended together, make considerable of a figure, in their own words: "*James Breakenridge* and *Isaiah Carpenter*, were two of the most inex- "cusable of all the offenders: the first had seated himself within sev- "enteen miles of *Hudson*'s river, where he knew it was impossible, on "their own principles, that he could be protected by the *New-Hampshire* "claim, he had declined a fair trial, and suffered a judgment by default." With respect to Mr. *Breakrnridge*'s being active in any expeditions (the *New-Yorkers* denominate riots, mobs, felony, &c.) it is well known through the country of the *New-Hampshire* grants, he was not. In the 18th & 19th pages of the appendix, they repeat their former aspersion against the inhabitants of *Bennington* in the most virulent and emphatical language—"And what is still more shameful, they contend, they arm, "they fight for land as a part of *Bennington*, which lies within seven- "teen miles of *Hudson*'s river, and which the government of *New-Hamp-* "*shire* never claimed, but admitted to be beyond their jurisdiction."

As there can be no doubt but these gentlemen really wish these things to be true, and having so frequently repeated them as being so, it is conjectured they by this time begin to believe them, or at least think others may; but that the impartial reader may have the real truth of the matter, the following evidence is exhibited.

"A plan of a township six miles square (i. e. *Bennington*) lying in his majesty's province of *New-Hampshire*, laid by *Matthew Clesson*, surveyor, *Abraham Bass*, *John Hooker*, *Ezekiel Foster*, and *Samuel Calhoun*, chainmen, in pursuance of an order from his excellency, *Benning Wentworth*, Esq., governor of said province, to Col. *William Williams*, lying six miles north of the province line that was run by Mr. *Richard Hazzen*, between said government and the province of the *Massachusetts*-bay, and twenty miles east of *Hudson*'s river, viz. Begining at a crooked Hemlock tree marked *W. W.* six miles due north, or at a right angle from said province line, said angle commencing at a White Oak tree in said line marked *M.* ‡‡ *O. I. T.* which tree is twenty-four miles east from *Hudson*'s river allowing one chain in thirty for swag, (which allowance is made through the whole following survey) and from said Hemlock tree west, ten degrees, north four miles, to a stake and stones; and from said stake and stones north ten degrees, east six miles, to a stake and stones; from thence east ten degrees, south six miles, to a stake and stones, and from thence south ten degrees, west six miles to a stake and stones; from thence west ten degrees, north two miles, to the Hemlock first mentioned, which survey was made *November* 1749.

(A copy.) Per *Matthew Clesson*, Surveyor."

Hampshire, ss. *October* 30, 1749. *Matthew Clesson*, suyveyor, *John Taylor*, *Ezekiel Foster*, and *William Williams*, chain-men, on *November* 3d, 1749, *John Hooker*, *Abraham Bass* and *Samuel Calhoun*, chain-men, were all sworn to the faithful performance of the respective services aforsaid, and for the above survey.

Quorum, Timothy Dwight, *Justice Peace.*

(A copy.)

The deposition of *Samuel Robinson*, who being of lawful age, saith, He being a surveyor, hath laid out in lots a great part of *Bennington*, and is confident that the west line of said town is the line that *Matthew Clesson* run before the town was granted (upon which said grant was made,) and as I have run all the lands east, adjoining said line, and some on the west side, I never knew of any other line that was called or known, or supposed to be the west line of *Bennington;* but according to

that line, the proprietors have settled, not making any improvements in the least degree to the west of said line.

AND the deponent further saith, That his excellency *Benning Wentworth*, late governor of *New-Hampshire*, gave a warrant to *Samuel Robinson* and *George Gardner*, Esq's. and *John Davoow*, to get the line run and measured out from *Hudson*'s river; which committee employed the deponent as a surveyor, with *Timothy Abbott* and *John Drott*, as chainmen, who were under the inspection of said committee, and under oath, measured out from said river twenty miles, according to the aforesaid governor's warrant; and then turning a right angle north, ten degrees east, which they did, and found the west line of *Bennington* to the east of the line your deponent run, thirty-five chains; and so the proprieters of said town concluded the aforesaid *Clesson* line to be right, and have conducted accordingly.

AND further, your deponent saith *John R. Blaker*, [*Bleecker*] Esq. of the city of *Albany*, got some chain-men soon after your deponent had run the line, and measured out, and told your deponent that *Bennington* west line was more than twenty miles from *Hudson*'s river. And *Archebald Campbell*, of *Albany*, deputy-surveyor, told your deponent, that he had measured out, and found it to be twenty miles. And further saith not. *Samuel Robinson.*

*Sworn before me, in Hoosick, the 29th March*, 1774.

JOHN MALCOMB, Justice.

THE deposition of *Ebenezer Wood*, who being of lawful age, saith: He being chosen a select-man for the town of *Bennington*, and sent to perambulate the west line of said town; which accordingly I did; which line *John R. Blecker*, Esq. of the city of *Albany*, told your deponent was more than twenty miles from *Hudson*'s river, which was the line that *Matthew Clesson* run, and your deponent never see or heard of any other line but that, for *Bennington* west line. Further saith not.

*Ebenezer Wood.*

Sworn before me in *Hoosick* the 29th day of *March*, 1774.

JOHN MALCOMB, Justice.

## SECTION VIII.

OUR authors in the twenty-seventh and finishing page of their narrative, discover great invention and subtilty, who after giving an account of the unfortunate circumstances of the town of *Hinsdale* [Vernon,] which has, say they, "been taken up by a royal mandamus." This township had first been granted by the government of the *Massachusetts*-bay, and upon the settlement of the boundary line between the *Massachusetts* and *New-Hampshire*, in 1739, fell within the latter, and by them [was] granted, and fully ratified to the inhabitants and proprietors, who in addition to their title, had also the *Indian* right. This township, by the determination of the boundary line between *New-York* and *New-Hampshire*, fell within the jurisdiction of the former, and was by them granted to Col. *Howard*, after it had been settled about seventy years. The assembly of *New-York* in order to screen their government from the imputation of the blame justly due to so reprehensible a conduct, endeavor to palm it on the government at home. See page sixth, with respect to "Hinsdale, a township in the south-east corner of *Cumberland* "county. Even this is not to be ascribed to our government, it pro- "ceeded from a much greater, and the highest authority. A mandamus "was produced from the crown, on the report of the board of trade, and "by the advice of the privy council, which vested the grantee with a

" right of election, an act decisive in itself, and superceding the action " of the governor and council here, and the usual forms." A very extraordinary representation! The nature of a royal mandamus is diametrically opposite to this interpretation. The right of election in the grantees, is restricted entirely to crown lands which are unappropriated; in such lands, the grantee has a right of election, and common sense may teach, that neither a mandamus or any other crown grant can subvert the property which the subject holds under the crown by prior grants; and though there be ever so many alterations in the jurisdiction, sundry of which have perplexed the town of *Hinsdale*, yet this should have no effect on the property of the subjects.—These grantees are likewise withheld from interfering on the right of the *Indian* subjects. Yet, it seems Col. *Howard* had the vanity to locate his mandamus on the old plantation of *Hinsdale*, which was firstly appropriated by a purchase from the *Indians;* secondly, by a grant from the government of the *Massachusetts*-bay, and thirdly, by the government of *New-Hampshire*, and fourthly, by an uninterrupted possession and occupancy about seventy years.

THE subterfuge the gentlemen make use of to rid their government from dishonor, in making this last grant of *Hinsdale*, is very extraordinary; it seems not well calculated " to be transmitted for the information " of the government at home!" who are undoubtedly competent judges of their own mandamus's, and no doubt will easily discern their last error to be worse than the first. Such preposterous granting of lands, is criminally injurious to the subject, as it never fails to embarrass the different claimants with many concomitant difficulties. Yet, still to cast the blame due to their government, on the king's mandamus, is more daringly injurious to the highest authority in the nation.

LASTLY, the manner of redress prescribed for the sufferers, viz. the old proprietors of *Hinsdale*, is the most shocking piece of contrivance, page 27, " *Hinsdale*, a small township which has lately been taken up by " virtue of a royal mandamus, is alone unfortunate—but even here the " possessors may be relieved, by a suitable compensation, equal to the " value of their improvements, in crown lands, free from the expence of " fees." These gentlemen in their great clemency have also conceded that the *New-Hampshire* settlers in general may be thus considered: " on the same terms, may be assigned to each of those who are seated " on the soil, actually appropriated to others by the government of *New-* " *York*, and the possessions of which cannot for that reason be con- " firmed; such a proportion of crown lands as the governor and council " shall judge to be adequate to their respective improvements."

THEN they proceed to describe the tract: " a fertile and extensive " country, in the northern part of the county of *Charlotte*, and between " *Connecticut*-river and lake *Champlain*, still remains unpatented by their " government, and might be planted and cultivated by these people." What a surprising condescention this! the posterity of the original proprietors of *Hinsdale*, especially to be allowed the privilege to pull up stakes, quit their farms and possessions, houses, orchards, &c. and join company with the *New-Hampshire* settlers in general, and trudge off to the northeast part of the wilderness of *Charlotte*, and there commence another settlement, leaving their pleasant habitations, fields, tenements, and country, in exchange for a howling wilderness; a pretty exchange—and this to gratify a number of *New-York* cormorants. But, let's stop a little and consider whether it would not be more righteous to change the scene, and so the *New-York* patentees remove their patents, that interfere with the *New-Hampshire* grants, and lay them in the wilderness of *Charlotte*, as neither government have appropriated it.

A SUFFICIENT reason to be offered in favor of the latter of the projects, is, that the settlers under *New-Hampshire*, are in deed, and in truth the lawful owners and proprietors of the lands they possess, as, 'tis apprehended, has been fully demonstrated in the preceding sections. Although these gentlemen have in the course of their narration, flung out very extraordinary hints of rewarding his majesty's soldiery, by the distribution of those lands, yet they may here again be reminded, (which may further serve as the above reason) that his majesty's proclamation directed the soldiery to make their pitches on unappropriated and vacant lands; this therefore they must do, at the hazard of losing their grants or repitching. For those lands which being antecedently granted by the crown, by the agency of the governor and council of *New-Hampshire*, must forever exclude the soldiery from pitching thereon; and put it entirely out of the power of the government of *New-York*, or the crown, to grant them to a second person. And when it is considered, that the *New-York* land-jobbers have, long since, purchased great part of the soldiery rights, and that for a mere trifle, and laid them out of themselves, at their own risque; their arguments on that subject cannot contribute greatly to the removal of the *New-Hampshire* settlers to the exterior part of *Charlotte*.

OUR authors have given a tedious history of the suits at law, which have been commenced by the *New-York* patentees, against the claimants and occupants under *New-Hampshire*, and have exhibited many specious appearances of fairness, equity, and impartiality in their trials. However, the reader must observe, that in every of those, so boasted of candid trials, the defendants, by the result, were to be dispossessed of their farms. They then continue to tell of the entire satisfaction of the vanquished, (together with such of the *New-Hampshire* claimants as attended the courts) relative to the validity of the *New-York* title.—Soon after this, they give a surprising account of riots and outrages, committed by these settlers, and mention *Allen* by name, (who they say, but a little before was so fully persuaded of the validity of the *New-York* title) as one of their leaders. This narrative is in itself incredible; it cannot be supposed, that men who were convinced, they had had an impartial trial at law, and of the insufficiency of their own title, and the authenticity of that of their opponents, would rally to arm, in defiance of legal authority, and in defence of their own invalid title; especially, after they had publickly declared their own sentiments concerning that matter.

NOW follows another quotation from our authors, which is no less than a barefaced insult on those inhabitants, and one of the boldest misrepresentations. . "If the *New-Hampshire* claimants imagined that they "were aggrieved by the decisions of our judges, the means of redress "were in their own power; and they ought to have sued their writs of "error, and in the legal and ordinary mode, to have referred their cause "to the final sentence of his majesty. But to expect a remedy incom-"patible with the administration of justice, and the rights of the sub-"ject, either bespeaks the greatest ignorance or presumption."

COULD they once get this established, that there should be no access to his majesty or trial, but in this "ordinary mode," it would no doubt be to their entire satisfaction; trials in that government would then easily become decisive; for in no case wherein the demand of the plaintiff is below the sum of five hundred pounds, a writ of error in favor of the defendant can issue. And the *New-York* attornies who compiled the *New-York* statings, and are also patented under that government, well knew that every action brought against *New-Hampshire* claimants has been designedly laid below that sum. Yet they were possessed of that

extreme boldness to aver in express terms, that "if the *New-Hampshire* "claimants imagined that they were aggrieved by the decisions of their "judges, their means of redress were in their own power," i. e. by way of a writ of error.

THERE is nothing exhibited in this *New-York* pamphlet which more sensibly deserves resentment than their pretensions of indulgencies, favors, &c. conferred on these claimants by that government. "To the "honor of the government of *New-York*, it may justly be asserted, that "the *New-Hampshire* claimants have received every mark of favor and "indulgence which the circumstances permitted." Such hypocrisy debases human nature, is the pest of society, partakes of falsehood and treachery; and what renders it peculiarly vile is that it usurps the seat of virtue, and destroys faith in communities, and is the source of cruel jealousy. Had the government of *New-York* been truly friendly to those settlers, it had been returned again; and mutual good will supplied the place of hatred and strife. But alas! so long as the fee of the country of the *New--Hampshire* grants is the object in view, by the government of *New-York*, how it is possible for peace and good order to take place, can't well be conceived. Well would it be for that government, and infinitely better for the settlers under *New-Hampshire*, were they annexed to some other government; but they say no. Query, why? The answer is easy. They would then loose sight of the aforesaid desirable object: otherwise, surely they would be glad to part with such rebellious subjects as they represent them to be. For the truth no doubt is, that they are in hopes some better fortune may in future attend them. And that they can take and execute some of the leading men among these inhabitants; and so frighten and impose on the rest; and finally, by this means avail themselves of their estates and subjugate the country. This is all they can desire in continuing it under their jurisdiction. That they have in reality a view to this, will further appear by some memorable sentences recorded in the 25th page of their appendix. "We may," say they, "readily conceive, that *Breakenridge* "and his party, have abundant reason to wish for an alteration of juris-"diction. The public crimes and private wrongs which they have per-"petrated, must make them look forward to the hour of tranquility, with "the most anxious apprehensions. The injured may then demand sat-"isfaction for all their sufferings—An attonement must then be made to "the country, for the violation of its laws." Here the *New-Hampshire* settlers may read their intended doom, in consequence of the ability of the government of *New-York*. And one reason why this government have not already destroyed the inhabitants of the *New-Hampshire* grants, with fire and sword, is their want of ability; and this inability, in great part, consists in this, that the common people in the government, are universally of opinion that the inhabitants have a good right to those lands, and should not be molested in the peaceable enjoyment of them, and consequently will not assist their civil officers in taking possession of their tenements, or them as rioters. That they are no further turbulent than what is necessary to defend their persons and properties, from the cruelty and monopoly of their rulers. This is the ground of all the lenity, forbearance and indulgence of that government towards those inhabitants; and it is hoped, if these excessive favors should be passed over without their thanks, they may yet be excused for the neglect.

As the design of this section was, in a concise manner, to point out some of the most notorious extravagancies of the government of *New-York*, the subject can't with propriety be passed over, without taking a short review of the forementioned laws of that colony, which are the most ap-

parent portraiture of their horrid malevolence and caprice. Passing these laws which are evidently calculated with a design of extirpating the inhabitants, by them laws alluded to, from their goodly land, nay, from the face of the earth; is no less than lavishly foaming out their own shame; laws that ought, and are contemned and disregarded by every lover of virtue. Laws and society-compacts were originally designed to protect the subjects in their property. Loyalty and subordination to such government, is essentially necessary for the good of society, and all good and liege subjects will support such laws and legislators. But, as in the present instance, when laws in their original design and administration, are degenerated from the good ends for which laws and government were instituted, terminating in the ruin and destruction of the society it should secure and protect, from the same principle, viz. self-preservation, the subjects are obliged to resist and depose such government. And, inasmuch as those laws, together with some remarks on them, are to be seen in the narrative part of this performance, shall therefore conclude, with leaving the reader, from his own meditations, to pass such sentence concerning this matter as may appear reasonable.

## SECTION IX.

IT may be of some moment, towards the close of this treatise, to exhibit a number of special motives which induced those inhabitants to prosecute settlements on the controverted premises. As,

FIRST, on the good faith of his majesty's grants, by the agency of the government of *New-Hampshire*, the validity of which has been sufficiently argued. And,

SECONDLY, by engagement from a proclamation by his late excellency *Benning Wentworth*, which for the more public information, is here inserted.

By his Excellency, *Benning Wentworth*, Esq; Captain General, Governor and Commander in Chief of His Majesty's Province of *New-Hampshire*, in *New-England*, &c.

### A PROCLAMATION.

WHEREAS *his honor*, CADWALADER COLDEN, *Esq; lieutenant governor, and commander in chief of his majesty's province of* New-York, *hath lately issued a Proclamation, of a very extraordinary nature, setting forth, that King* CHARLES *the Second, on the* 12*th day of March*, 1663–4, *and on the* 29*th June*, 1674, *did, by his several letters patent, of those dates, grant, in Fee, to his brother, the Duke of* York, *among other things, all the land from the west side of* Connecticut-*river to the east side of Delaware-Bay; and therein also set forth, and describes the bounds of* New-Hampshire; *in which description there is a very material mistake; besides, there is omitted the fact, on which the description of* New-Hampshire *depended, viz. His Majesty's determination of the north and western boundaries of the Province of the* Massachusetts Bay, *in* 1739. *And nothing can be more evident, than that* New-Hampshire *may legally extend her western boundary as far as the* Massachusetts *claim reaches; and she claims no more; but* New-York *pretend to claim even to the banks of* Connecticut *river, althouyh she never laid out and settled one town in that part of his Majesty's lands, since she existed as a government.*

*When* New-York *government extends her eastern boundary, to the banks of* Connecticut *River, between* New-York *and the Colony of* Connecticut;

*and to the banks of said river, between* New-York *and the Province of the* Massachusetts-Bay, *it would have been full early for* New-York *to declare that the government of* New-Hampshire *was fully apprised of the right of* New-York, *under the before recited letters patent to the Duke of* York. *In virtue of the final determination of the boundary lines settled by his late Majesty, between this government and the* Massachusetts Bay, *all lands capable of settlements, have been erected into townships, agreeable to his Majesty's commands, and a considerable revenue is daily arising to the crown, unless interrupted and impaired by his Honor's Proclamation, which* New-Hampshire *will not be answerable for.*

*At present, the boundaries of* New-York, *to the northward, are unknown; and as soon as it shall be his Majesty's pleasure to determine them.* New-Hampshire *will pay ready and cheerful obedience thereunto, not doubting but that all grants made by* New-Hampshire, *that are fulfilled by the grantees, will be confirmed to them, if it should be his Majesty's pleasure to alter the jurisdiction.*

*For political reasons, the claim to jurisdiction by* New-York, *might have been deferred, as well as the strict injunction on the civil power, to exercise jurisdiction in their respective functions, as far as the eastern banks of* Connecticut *River.*

*The said Proclamation, carrying an air of government in it, may possibly affect and retard the settlement of his Majesty's lands, granted by this government. For preventing an injury to the crown, of this kind, and to remove all doubts that may arise to persons holding the king's grants, they may be assured, that the patent to the Duke of* York *is obsolete, and cannot convey any certain boundary to* New-York, *that can be claimed as a boundary, as plainly appears by the several boundary lines of the* Jersies *on the west, and the Colony of* Connecticut *on the east, which are set forth in the Proclamation, as part, only, of the land included in the said patent to the Duke of* York.

*To the end therefore, that the grantees now settled and settling on those lands, under his late and present Majesty's charters, may not be intimidated, or any way hindered or obstructed in the improvement of the lands so granted, as well as to ascertain the right, and maintain the jurisdiction of his Majesty's government of* New-Hampshire, *as far westward as to include the grants made:*

I HAVE thought fit, by and with the advice of his majesty's council, to issue this Proclamation, hereby encouraging the several grantees, claiming under this government, to be industrious in clearing and cultivating their lands, agreeable to their respective grants.

And I do hereby require and command all civil officers, within this Province, of what quality soever, as well those that are not, as those that are inhabitants on the said lands, to continue and be diligent in exercising jurisdiction in their respective offices, as far westward as grants of land have been made by this government; and to deal with any person or persons, that may presume to interrupt the inhabitants or settlers on said lands, as to law and justice doth appertain; the pretended right of jurisdiction mentioned in the aforesaid Proclamation, notwithstanding.

*Given at the Council-Chamber, in* Portsmouth, *the 13th day of March,* 1764, *and in the fourth year of his Majesty's Reign.*

B. WENTWORTH.

By his Excellency's command, with advice of Council,

T. ATKINSON, jun. *Secretary.*

GOD SAVE THE KING.

A THIRD and weighty enducement to the settlement of those lands was argued from his majesty's express order, prohibiting the govern-

ment of *New-York* from granting any of those lands in dispute, which is as follows:

*At a Court at St. James's, the 24th day of July*, 1767.

PRESENT,

THE KING'S MOST EXCELLENT MAJESTY,

| | |
|---|---|
| Archbishop of *Canterbury*, | Earl of *Shelburne*, |
| Lord Chancellor, | Viscount Falmouth, |
| Duke of *Queensbury*, | Viscount Barrington, |
| Duke of *Ancester*, | Viscount Clarke, |
| Lord Chamberlain, | Bishop of *London*, |
| Earl of *Litchfield* | Mr. Secretary Conway, |
| Earl of *Bristol*, | Hans Stanley, Esq. |

His majesty taking the said report [a report of the board of trade] into consideration, was pleased, with the advice of his private council, to approve thereof, and doth hereby strictly charge, require and command, that the governor or commander in chief of his majesty's province of *New-York*, for the time being, do not, upon pain of his majesty's highest displeasure, presume to make any grant whatsoever, of any part of the lands described in the said report, until his majesty's further pleasure shall be known, concerning the same.

A true Copy, *William Sharpe.*

Attest, GEO. [G'W.] BANYAR, Dep. Secr.

A FOURTH and last special motive for the carrying on, and extending those settlements, was from a report of the lords of trade, as follows.

EXTRACT from a Report of the Lords of Trade, to the Committee of his Majesty's most Honorable Privy Council, for Plantation Affairs, dated, *December* 3d, 1772.

"Upon the fullest examination into all the circumstances which, at "present, constitute the state of that District between the rivers *Hudson* "and *Connecticut;* out of which, the greatest disorders and confusion "have arisen; it seemeth to us, that the principal objects of attention in "the consideration of any measures that can be suggested for restoring "public tranquility, and quieting possessions, are,

"First, those townships, which, having been originally settled and es- "tablished under grants from the government of the *Massachusetts-Bay* "fell within this District, by the determination of the northern boundary "of that Province, in the year 1740.

"Secondly, those grants of land, made within this District, by the gov- "ernment of *New-York*, previous to the establishment of the townships "laid out by the governor of *New-Hampshire*, after the conclusion of the "peace; and which land now lies within the limits of some one or other "of those townships.

"Thirdly, those townships, which, having been originally laid out by "the governor of *New-Hampshire*, either continue in the same state, or "have been confirmed by grants from *New-York;* and also, those which "have since originated under grants from the latter of those colonies.

"With regard to those townships, which fall under the first of the "above mentioned descriptions; when we consider the nature and ori- "gin, and the numberless difficulties to which the original proprietors of "them must have been subjected in the settlement of lands, exposed to "the incursions of the savages, and to every distress, which the neigh- "borhood of the French, in time of war, could bring upon them; and,

"when we add to these considerations, the great reason there is to be-
"lieve that the grants were made upon the ground of military services
"against the enemy; we do not hesitate to submit to your Lordships our
"opinion, that the present proprietors of these townships, ought, both in
"justice and equity, to be quieted in their possessions: and, that all
"grants whatsoever, made by the government of *New-York*, of any lands,
"within the limits of those townships, whether the degrees of improve-
"ment, under the original grant, had been more or less, are, in every
"light, which they can be viewed, oppressive and unjust. But, as we are
"sensible, that such subsequent grants made by the government of *New-*
"*York*, however unwarrantable, cannot be set aside by any authority from
"his majesty, in case the grantees shall insist on their title; we submit to
"your Lordships, whether it might not be expedient, in order to quiet the
"original proprietors in their possessions, to propose that all such persons
"who may claim possession of lands within the limits of such townships,
"under *New-York* grants, should, upon condition of their quitting such
"claim, receive a grant under the seal of *New-York* upon the like terms,
"and free of all expences, of an equal number of acres, in some other
"part of the District lying between the rivers *Hudson* and *Connecticut;*
"and in case, where any actual settlement or improvement has been
"made by such claimants, that they should, in such case, receive fifty
"acres of waste land for every three acres they may have improved.

"With regard to those grants made by the government of *New-York*,
"which fall within the second description, and upon which any actual
"improvement has been made; they do appear to us to deserve the same
"consideration; and that the proprietors thereof ought not to be dis-
"turbed in their possessions, whether that improvement be to a greater
"or lesser extent. But we beg leave to observe to your Lordships, that,
"in both these cases, no consideration ought to be had to any claim, where
"it shall appear that no regular possession has ever been taken, and no
"actual settlement ever been made.

"With regard to those townships, which fall within the last mentioned
"description, we submit to your Lordships our opinion; That, provided
"such townships do not include land within the limits of some antece-
"dent grant, upon which actual improvement has, at any time, been
"made, it would be adviseable they should be confirmed as townships,
"according to the limits expressed in the grants thereof; and that all
"persons having possession of any shares in the said townships, either
"as original grantees, or by purchase or conveyance, and upon which
"shares any actual improvement or settlement has been made, ought
"not, in justice, to have been, or to be, in future, disturbed in the pos-
"session of such shares; nor ought they to be bound to any other con-
"ditions, whether of quit-rent or otherwise, than what is contained in
"the grant."

THESE inducements are indisputably authoritative, and need no commentation: Yet, notwithstanding the priority and preference of the *New-Hampshire* title to that of *New-York*, and the so many corroborating and concomitant inducements to the claimants under the former, to settle and cultivate those lands; yet the assembly of *New-York*, in sundry parts of their state of the right, &c. and more particularly through the appendix, treat those inhabitants, merely on account of such settlement, with the most extreme injury; who, instead of arguing, only declaim against them; and go on in a gradation of consequences drawn from false premises, till they have dragged them from their true character of honest men, to that of usurpers, rioters, and felons. Although the quotations from our authors have already been lengthy, yet that a precedent of their in-

justice may not here be wanted, the following, from the third page of their appendix, is inserted.

"But though the same principles have been explained, and enforced "in several acts and proclamations of government, as well as on repeated "trials in our courts of judicatory, they have left no suitable impres- "sion on the contentious claimants under *New-Hampshire*. On the "contrary, in contempt of the dictates of justice, the decisions of law, "and the civil authority, have their encroachments, which were few in "number at the time of the royal determination, been encreased and "extended in a ten fold proportion; and that in general by men, who "cannot plead that they were deceived or ignorant of the nature or "merit of their claim, which it appears, were too notorious to have es- "caped their observation, but who in spite of every warning and re- "monstrance to deter them, which human prudence could devise, en- "gaged as volunteers on the side of *New-Hampshire*, and wilfully "plunged into the controversy. To extenuate their own indiscretion "and misconduct, calumny and misrepresentation are their only re- "source, and accordingly without the least reason, they charge the gov- "ernment of *New-York* with partiality, and every land holder under it, "upon whom they have trespassed, with injustice and oppression; assert- "ing that because they have sanctified their claim by a wrongful pos- "sion, they ought peaceably to enjoy the fruits of their usurpation. To "mortify their pretentions they have spared no art or act of violence, "however criminal: and after all, as if they were really injured, and the "objects of regard, they do not hesitate to carry their complaints to the "throne, and by special agents to solicit some extraordinary act of favor, "by which their offences may be passed over with impunity, and their "encroachments perpetuated in predjudice to those who enjoy a clear "title from the crown, under the great seal of *New York*."

As this clamorous question is already mostly answered, I shall only remark, as to those settlers extending their encroachments in a ten fold proportion, since the royal determination. It hath been fully evinced that this determination respected jurisdiction only, and the before recited royal order and report of the board of trade, were accounted sufficient to exclude all manner of doubts in the minds of the *New-Hampshire* claimants of the validity of their title. They truly cannot plead that "they were deceived or ignorant of the nature or merit of their claim." This matter was elucidated by the highest wisdom and authority in the nation; they rejoice in the clemency of their sovereign, and in the wisdom and impartial justice of the honorable board of trade, exhibited as aforesaid, upon which encouragement those claimants have greatly extended settlements on those lands, in a more special manner on *Onion* river, and lake *Champlain* between the township of *Panton*, which abuts on the lake opposite *Crown Point*, and the said river, and north of it almost to the forty-fifth degree of north latitude, and preparations are vigorously making to extend these settlements to the very bounds of the province of *Quebec*. It is seldom any new country settles with such rapidity, notwithstanding the oppositions they meet with from the government of *New-York:* The expence of clearing roads, building mills, moving to and settling in that wilderness country only for two years last past, would amount to no very inconsiderable sum. And those settlers from the foregoing reasons, do not in the least hesitate, but that they in so fulfilling the conditions of their charters, have and are acting agreeable to his majesty's will and pleasure; and that those labours will not only be for their own emolument, but for the enlargement of the *British* empire, and addition of the crown revenue.

The assembly of *New York* have been very particular in their history

of the tumults and riots made by those settlers, in opposition to that government, (many of which facts must be confessed to be true) though they have carefully omitted their manyfold provocations, yet, with all their particularity have given but a very imperfect idea of those transactions. I shall therefore, waving particulars, give a general review of the economy of those settlers in their opposition to that government. For defending their property, they were indicted rioters; the next thing was to defend rioters; then they had two objects of protection, viz. persons, as well as property: They were at first greatly intimidated at the empty appearance of law, that their opponents were so conversant with, sometimes despairing of maintaining their possessions; yet upon extremety, rather than quit their substance to the insatiable ravishers, would rally and frustrate their designs: Thus, when the sheriff of the county of *Albany* with his posse came to dispossess some of them, they, most generally, boldly took up arms and appointed leaders. Matters having come to this, not long after, the inhabitants assembled and appointed committees of safety in the several towns throughout their settlement; this general committe have the conducting of the public affairs of the country for its security, till his majesty settles the controversy. They have erected several companies, which by the votes of the soldiers are furnished with officers; these companies form a regiment which are known by the significant character of *green mountain boys*, who are generally in the prime of life, well versed in the use of fire-arms, and of robust constitutions; probably no American regiment in an interior defence could excel them, or that would willingly [or more willingly] contribute to the support of the crown of *Great Britain;* for it is observable, that such subjects that will not fight for their property will never fight for their king. And the general instructions from the committee, ever have been, not to act in any thing against the government of *New-York*, but on the defensive.

It is in the nature of things impossible to pass a right judgment on the conduct of the *New-Hampshire* settlers, without taking into view the treatment of the goverument of *New-York* towards them. All cases must be determined upon the peculiar circumstances attending; no act can scarcely be conceived of, which, under certain attending circumstances, might not be lawful. It will be readily admitted on the part of those settlers, that, provided the government of *New-York*, and its patentees, have a clear and incontestible right to those lands; and that they are intruders, and by force and violence have maintained such encroachments; then they are truly guilty, in manner as the assembly of *New-York* have alledged. But on the contrary, if those settlers have a legal and incontestible right to those lands, that they prosecute settlement on the good faith of the title, and the sundry approbations of both their title and settlement from the *British* administration, then, they are not guilty in manner as those gentlemen have declared: and the impartial public, instead of viewing them as usurpers, rioters, and felons, will justify them in their conduct, and esteem them as good members of society, liege subjects to the crown of *Great Britain*, and good soldiers for defending their persons and properties.

Thus, is humbly submitted the state of the controversy, which has for many years subsisted between the government of *New-York* and the settlers under *New-Hampshire;* by impartial justice must every act stand or fall; if those settlers are in the wrong, they are criminally so, but if not, then the allegations of their opponents will be adjudged as futile and cruel.

*FINIS.*

# APPENDIX J.

## DOCUMENTS ON THE ENFORCEMENT OF THE AUTHORITY OF VERMONT IN CUMBERLAND COUNTY IN MAY 1779.[1]

[From the *Documentary History of New York*, vol. 4, p. 581-2.]

*Samuel Minott, Esq., to Gov. Clinton.*

BRATTLEBOROUGH, May 25th 1779.

*Sir* –The Committee of this [Cumberland] County who are now met for the purpose of opposing the authority of the State of Vermont[2] take this opportunity to inform your Excellency by Express, that Col. Ethan Alline [Allen] with a number of Green Mountain Boys, made his appearance in this County yesterday, well armed and equipt, for the purpose of reducing the loyal inhabitants of this County to submission to the authority of the State of Vermont, and made prisoners of Col. [Eleazer] Patterson, Lieut. Col. [John] Sergeant and all the Militia Officers except one in Brattleborough, with Mr. [Micah] Townsend[3] and

[1] See *ante*, pp. 298-9, 302-3, 307-9, and 442-3.

[2] The towns represented by adherents to New York, May 4, 1779, were Hinsdale, [Vernon,] Guilford, Brattleborough, Fulham, [Dummerston,] Putney, Westminster, Rockingham, Springfield, and Weathersfield.—See *Eastern Vermont*, pp. 334–5. All of these towns except Vernon and Brattleborough were then represented in the General Assembly of Vermont. Hence the county committee, of which Mr. Minott was chairman, represented the adherents of New York, not the people at large.

[3] MICAH TOWNSEND, son of Micajah Townsend and Elizabeth Platt, was born at Cedar Swamp, Oyster Bay, Long Island, May 13, 1749; graduated as Bachelor of Arts, Nassau Hall, Princeton, N. J., Oct. 8, 1766, and received the Master's degree Oct. 5. 1769. He was admitted to the bar of New York in April 1770, and settled at White Plains, Westchester county. He was clerk of the Committee of Safety for that county, and June 22 1776 was appointed captain of a militia company which had been raised to combat the tories, and he served in that capacity until the camp was broken up Nov. 1 following, by order of Gen. Washington. As the British forces gained possession of that region, Mr.

a number of other Persons. They have also taken the Militia Officers in Putney and Westminster with others; the number of prisoners we cannot ascertain. Col. Alline [Allen] declared that he had five hundred Green Mountain Boys with him—we are not able to ascertain the number, but believe there is not quite so many who are come from the west side of the Mountains;[1] they are assisted by a number of the inhabitants of this County. Where they will carry the Prisoners we cannot tell. Col. Allin treated the people here with the most insulting language, assaulted and wounded several persons with his sword without the least provocation, and bids defiance to the State of New-York, declares they will establish their State by the sword, and fight all who shall attempt to oppose them. Nothing but the reluctance the people here have to shedding human Blood could hinder them from attempting to rescue the Prisoners—they had every insult which the human mind is able to conceive of to prompt them to it. Our situation is truly critical and distressing, we therefore most humbly beseech your Excellency to take the most speedy & efficient Measures for our Relief; otherwise our Persons and Property must be at the disposal of Ethan Allen, which is more to be dreaded than Death with all its Terrors.

Sir we are with the greatest esteem Your Excellency's most ob't. humble servts.

Signed by order of the Committee, SAMUEL MINOTT, *Chairman.*

*To his Excellency George Clinton Esq. Gov. of the State of New-York.*

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*Governor Clinton to President Jay.*

May 29th 1779.

*Sir*—You will perceive from the enclosed Papers[2] that what I have long expected and frequently apprized Congress of has actually hap-

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Townsend removed to Brattleborough, Vt., and Aug. 15 1778 married Mary, daughter of Col. Samuel Wells. For a short time he served the adherents to New York very acceptably, but becoming convinced that this course was unwise, he took the oath of allegiance to and became a citizen of Vermont. In 1781 he was made judge and register of probate for the county, and held these offices until 1787. In the same year (1781) he was made secretary of state, and he held that office until he resigned, Oct. 21, 1788, when the General Assembly by resolution expressed "the warmest sentiments of gratitude" to him "for the fidelity and skill with which he had discharged the duties of his said office." Disposing of his estate in Brattleborough to Hon. Royal Tyler in 1801, judge Townsend resided in Guilford a year, and then removed to Farnham, Province of Quebec, where he died April 23, 1832, at nearly the age of eighty-three years. His reputation as a lawyer was high, and he was universally and greatly esteemed as a man by those who knew him. For a more complete and appreciative biographical notice, see *Eastern Vermont*, pp. 700–706.

[1] One hundred men from Bennington was the number ordered by gov. Chittenden.—See p. 300. The whole Vermont force ranged from two to three hundred and fifty.—See *Eastern Vermont*, p. 339.

[2] Minott's letter, and other papers concerning the action of Vermont.

pened. These papers which need no Comment I have transmitted to your Excellency by Express with an earnest Request that you will please immediately lay it before Congress.

Altho' this matter will scarce admit of a moment's delay; yet as the Legislature are to meet on Tuesday next I shall defer taking any decisive measures (except issuing the necessary orders to the militia to hold themselves in readiness) until I can have an opportunity of obtaining their advice and Direction. I am &c. &c. GEO. CLINTON.

*His Excellency John Jay Esq. President of Congress.*

On the same day Gov. Clinton wrote a similar letter to the New York delegation in Congress, adding as follows:

I shall also conceive it my Duty to order the 1000 men destined for the Defence of the frontiers & to compleat the Continental Battalions except such small small part as are already annexed to those Regiments to march to Brattleborough for the protection of that and the adjacent Towns unless the Interposition of Congress shall render this measure unnecessary. It doubtless will occur to you that the Legislature will be extremely impatient for an answer from Congress; I must therefore request you the moment it is obtained to forward it by a special messenger.

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*Resolutions of Congress, June* 1, 1779.

[From the *Journals of Congress*, 1779-80, Vol. V.]

TUESDAY, June 1, 1779.

According to the order of the day, Congress was resolved into a committee of the whole, and, after some time, the president resumed the chair, and Mr. Plater [of Maryland] reported that the committee of the whole have taken into consideration the letter of the 18th of May, from his excellency governor Clinton, the petition of the committee of Cumberland County,[1] the letter of colonel Patterson to governor Clinton, governor Clinton's answer, &c.[2] and have come to sundry resolutions thereon, which he was ordered to report:

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[1] "The Petition of the Committees of the towns of Hinsdale, [Vernon,] Guilford. Brattleborough, Fulham, [Dummerston,] Putney, Westminster, Rockingham, Springfield and Weathersfield in Cumberland County; chosen for the purpose of opposing the pretended State of Vermont & convened at Brattleborough the 4th May 1779." This paper set forth the distracted state of the county and closed as follows:

"Your Petitioners therefore humbly, and in the most urgent & earnest manner, on behalf of themselves and their Constituents entreat that your Excellency [Gov. Clinton] will take immediate & effectual Measures for protecting the loyal Subjects in this part of the State in their Persons and Properties & to convince the honorable the Congress of the Impropriety of delaying a publication of their Sentiments in a matter which so nearly concerns the Peace, Welfare & probably the Lives of many of their firm adherents."

[2] The letter of Col. Patterson was similar to the petition; and Gov. Clinton in his reply promised to order out the militia instantly in case Vermont attempted to reduce the petitioners by force of arms. For these papers, see *Documentary History of New York*, vol. 4, pp. 576–580. Gov. Clinton's letter of May 29th, covering Mr. Minott's, was received while Congress was in committee on this subject on the 1st of June.

The report being read, Congress thereupon came to the following resolutions:

WHEREAS divers applications have been made to Congress on the part of the State of N. York and of the State of N. Hampshire, relative to disturbances and animosities among inhabitants of a certain district known by the name of "the New-Hampshire Grants," praying their interference for the quieting thereof; Congress having taken the same into consideration,

*Resolved*, That a committee be appointed to repair to the inhabitants of a certain district known by the name of the New-Hampshire Grants, and enquire into the reasons why they refuse to continue citizens of the respective states which heretofore exercised jurisdiction over the said district; for that as Congress are in duty bound on the one hand to preserve inviolate the rights of the several states, so on the other they will always be careful to provide that the justice due to the states does not interfere with the justice which may be due to individuals: That the said committee confer with the said inhabitants, and that they take every prudent measure to promote an amicable settlement of all differences, and prevent divisions and animosities so prejudicial to the United States.

*Resolved*, That the further consideration of this subject be postponed until the said committee shall have made report.

*Ordered*, That they report specially and with all convenient speed.

Previous to passing the first resolution,

A motion was made by Mr. Henry [of Maryland,] seconded by Mr. Carmichael [of Maryland,] to strike out the word "several," and in lieu thereof insert "united;" and on the question, shall the word several stand? The yeas and nays being required by Mr. Henry, New-Hampshire, Massachusetts-Bay, Connecticut, New-York, New-Jersey, Pennsylvania, Virginia, North Carolina, and South Carolina, voted aye; and Rhode Island and Maryland voted no; So it was resolved in the affirmative.

*Resolved*, That to-morrow be assigned for electing the Committee.

*Resolved unanimously*, That the president inform the governor of New-York, that a more early attention would have been paid to the pressing applications of that state, relating to the disturbances mentioned in his several letters, had it not been prevented by matters of the greatest importance; and that Congress will continue to pay equal attention to the rights of that state with those of other states in the union.

WEDNESDAY, June 2, 1779.

*Resolved*, That the committee to repair to the inhabitants of the New-Hampshire Grants consist of five, any three of whom to be empowered to act.

The members chosen, Mr. Ellsworth [of Connecticut,] Mr. Edwards, Mr. Witherspoon [of New-Jersey,] Mr. Atlee [of Pennsylvania,] and Mr. Root [of Connecticut.]

WEDNESDAY, June 16, 1779.

The committee, consisting of Mr. Jenifer [of Maryland,] Mr. Armstrong [of Pennsylvania,] and Mr. Sharpe [of North Carolina,] to whom was referred the letter of the 7th of June from governor Clinton,[1] brought in a report; whereupon,

[1] In this letter Gov. Clinton expressed his astonishment and concern that "the Congress have passed over in profound silence the remonstrances on the seizure and imprisonment of the principal officers of government in the county of Cumberland by the revolters of this State,"

*Resolved unanimously*, That the officers acting under the state of New-York, who were lately restrained of their liberty by certain persons of a district called the New-Hampshire Grants, ought to be immediately liberated.

*Resolved unanimously*, That the committee appointed to repair to the inhabitants of a certain district known by the name of the New-Hampshire Grants, be directed to enquire into the matters and things contained in the letters of governor Clinton of the 27th of May and of the 7th inst. and that copies of the said letters be transmitted to the said committee; and that they be directed to report specially to Congress.

*Resolved unanimously*, That it was not the intention of Congress by their resolution of the 1st inst. nor ought the same or any other part thereof be construed to hold up principles subversive of, or unfavourable to the internal policy of any or either of the United States:

That as Congress expect very salutary effects from the appointment of the said committee, therefore all further proceedings on governor Clinton's letter be postponed until they report.

WEDNESDAY, Sept. 22, 1779.

After reciting the foregoing resolution of June 1, the record proceeds as follows:

And whereas it so happened that a majority of the committee appointed in pursuance of the aforementioned resolution, did not meet in the said district, and therefore have never executed the business committed to them or made a regular report thereon to Congress:

*Ordered*, that the said committee be discharged.

Of the committee of five, only two visited Vermont—Messrs. Witherspoon and Atlee. They had an interview with Governor Chittenden, and an arrangement was made with the intent of preventing collisions between the Vermont authorities and the adherents to New-York. Of this interview and arrangement, a report was made to Congress on the 13th of July, but as only two of the committee acted, it could not be received and treated as an official report. No account can now be given better than that which may be gathered from the following documents.

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[From the *Documentary History of New York*, vol. 4, pp. 588–590.]

*John Witherspoon and Samuel J. Atlee, of the Committee of Congress, to Samuel Minott.*

BENNINGTON, June 23d, 1779.

*Gentlemen*—The Subscribers are here at present as Members of a Committee of Congress sent for the express purpose of endeavouring to bring about an amicable settlement of the Differences between the State of New-York and the Inhabitants of the New-Hampshire Grants who have formed themselves into a State called by them the State of Vermont. We have understood that you and others who adhere to the State of New-York have declined taking your Turn of Militia Duty for

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"and what renders their silence still more extraordinary is, that Ethan Allen, having the rank of a Colonel in the service of the United States, was a principal actor in this outrage."—See *Doc. History of New York*, vol. 4, p. 584.

the Defence of the frontiers because the Requisition was made under the Authority of the State of Vermont, and that you have met with some Trouble on this Account. We have therefore sent this to inform you that we hope there will be by interposition of Congress a happy Accommodation of all Differences in a short Time; in the mean while we have obtained a promise from Governor Chittenden that you shall not be molested till matters are finally settled, and we have engaged to write to you voluntarily and freely to raise your full Proportion of Men whenever your Neighbours are called, and you are informed of this either by continental Officers or the New State till such Time as you have Special Directions from the Governor of New-York, which we hope to obtain for you on our Return home. This we are confident you will readily comply with, as otherwise People will be tempted to impute your Conduct to disaffection to the Cause of the United States. We hope you will understand that the Protection and Forbearance which is promised in your behalf is to be considered as on the condition of your cordially complying with our Request and in every Respect behaving quietly and orderly while the measures for Pacification are on foot.

We are, &c. JOHN WITHERSPOON,
SAM. J. ATLEE.

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*Governor Chittenden to a Vermont officer in Cumberland County.*

BENNINGTON, 23d June, 1779.

*Sir*,—Your favor by Mr. Tucker came to hand yesterday. Am unhappy to hear of a second insurrection and open Violation of the Authority of this and the United States; The present distressed Situation of our northern Frontiers absolutely demands the assistance of their Brethren and Friends. Am sorry to find that private difficulties should in the least impede and prevent a general Union in Defence of the Grand Contest on which the Liberty and happiness of the whole depends. With pleasure I can inform you (and desire the same may be communicated to the respective Inhabitants) that a Committee of the honorable Continental Congress have arrived at this Place, from which we may expect the most salutary and agreeable effect in a speedy Settlement of the unhappy Dispute between this and the State of New-York.

From the Situation of the present affairs and the pressing necessity of securing our frontier Inhabitants together with the Advice of the Committee aforesaid transmitted in a Letter, I presume the Inhabitants will readily turn out in Defence of their Country agreeable to orders; and in the mean Time I would recommend while they continue to do their proportion in the present War, the suspending of all prosecutions in the Law against those who acknowledge themselves Subjects of the State of New-York, (except Capital Offences) until Congress makes a final Determination in the Matter.

I am Sir Your humble Servt.,
THOS. CHITTENDEN.

A true Copy pr JOS. FAY.

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*Gov. Chittenden's Answer to the Queries of the Committee of Congress.*

STATE OF VERMONT, Bennington, 24th June, 1779.

*Gentlemen*,—Agreeable to your Requisition I have made and subjoined to your Questions the following answers, viz.

Q: Are there any Lands in this State still unpatented?

A: Yes a large Body which was not granted previous to the King's Prohibition to the Governor of New-York.

2 Q: Are there any Lands which have been patented by the State of Vermont and in what Condition were they before?

A: None as yet but many Petitions are made and are on File waiting for a settlement of the public Disputes.

3 Q: Are there any Lands patented under New-Hampshire and re-granted to different Persons under New-York but are not yet occupied by either of the Grantees?

A: Yes a large quantity.

4 Qu: Are there any Lands patented under New-York of date prior to the Patents under New-Hampshire and at present possessed under the New-Hampshire Title?

A: Some old Patents of New-York are said to extend over some Parts of the Townships of Pownal, Bennington, and Shaftsbury.

5 Qu: Are there any Persons living in the State of Vermont upon the New-Hampshire Rights who have large Property in Lands in different Townships not yet improved?

A: Some few there are and there is many that own small Quantities.

6 Qu: Are there any Persons in actual Possession of Lands under the New-York Title to which others have a prior Right under New-Hampshire?

A: Yes some few.

7 Qu: Are you satisfied that the Proclamations by the Governor of New-York would secure your Property in the Soil tho' the jurisdiction were allowed?

A: By no Means, as it is only a *shadow* without any principle Substance, calculated to answer sinister Purposes, which is implied in his second Proclamation viz$^{t}$: "That all such lands which have heretofore been granted by the Government of New-Hampshire or Massachusetts-Bay and have not been since Granted by the Government of New-York," the words, "and have not since been granted by the Government of New-York" wholly exclude the most valuable Lands in this State; including that which is in actual Possession, as the State of New-York have since made Grants of the same Lands—and I presume to say it is not in the Power of the Legislature of New-York to confirm those Lands, being previously granted to others. There are sundry other Passages in the same Proclamation equally insufficient and dissatisfactory.

8 Qu: If the Property of your Lands were perfectly secured to you would you be willing to return under the Jurisdiction of New-York?

A: We are in the fullest sense as unwilling to be under the Jurisdiction of New-York as we can conceive America would to revert back under the Power of Great Britain (except a few disaffected Inhabitants who say they will become willing subjects of this state on the approbation of Congress) and we should consider our Liberties and Privileges (both civil and religious) equally exposed in future Invasions.

9 Qu: Would your returning under the Jurisdiction of New-York promote or hinder the complete Settlement of the Country?

A: Experience has taught me to believe that it would greatly impede the settlement of this Country to have it affixed to New-York.

10 Qu: What was the occasion of Col$^{o}$ Allen's proceeding by arms to take and confine sundry officers in Cumberland County who professed to be subjects of the State of New-York?

A. Col$^{o}$· Allen proceeded into Cumberland county under Direction of the Civil Authority of this State to assist the Sheriff in the Execution of his office in apprehending a certain Number of Persons for the Purpose of bringing them before the Superior Courts of this State for Trial for riotously impeding a certain officer in the Execution of his Office in selling Estate taken by said officer according to Law from Persons who

refused to do their tour of Militia Duty in Guarding the Frontiers of this and the United States of America against the Common Enemy agreeable to Orders of the Board of War of this State issued in Pursuance of advice received from Brig$^{r}$. General Clinton for that Purpose.

11 Qu: Are you willing and do you think it is the Minds of the People to refer the final Decision of this Matter at any Rate to the Congress of the United States?

A: I believe I may be warranted to say in Behalf of the People of this State, that they would think themselves happy in submitting the long controverted Differences subsisting between this and the State of New-York to the Determination of Congress, they being allowed equal Privilege as the State of New-York in supporting their Cause, reserving to themselves in the Trial all Rights, Privileges, Immunities and advantages which they had or might have by any former Grants, Jurisdictions, Powers, and Privileges on account of any Province or State heretofore had, notwithstanding any subsequent Transaction.

I am Gentlemen with the highest Esteem

Your ob$^{t}$. humble servant,

THOS. CHITTENDEN.

*The Hon$^{ble}$ Doct$^{r}$ Witherspoon & Col$^{o}$. Atlee, Members of a Committee of Congress.*

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[From Hiland Hall's *Early History of Vermont*, p. 292.]

On the 11th of June, some time before the arrival of the committee, Gov. Chittenden had issued an order for raising men for service on the frontier, and after the committee had left Bennington, he received information that the property of some delinquents in Cumberland county had been sold under such order in conformity to the law of the State, which information he at once communicated to them by letter, in which he stated that as this "was occasioned wholly by reason of those persons neglecting to do their proportion of duty in the present war, they would readily perceive it could not be construed to be any breach of the engagement which, agreeably to their advice, he had entered into with them." In their answer, dated at Albany the 28th of June, they say they were "not willing to consider it a breach of the agreement," but expressed great apprehension that "it might be the means of defeating all their endeavors for procuring peace," and gave it as their opinion that the agreement would be wholly frustrated unless a stop was put to further proceedings of the kind, and restitution made to the people whose cattle had been thus seized.

# ADDITIONS AND CORRECTIONS.

To comply with one provision of the act for the publication of the record of the Councils, it has been necessary to commence the printing of this volume before the copy for it entire had been completed; and hence errors have passed through the press which, most of them at least, would have been otherwise avoided. These are now indicated as follows, with a few additions and explanations.

*Capt. John Grant*, p. 7.—The suggestion that he may have declined service in Warner's first regiment is incorrect. He served with credit, and was appointed captain in Warner's continental regiment, July 5, 1776. See page 160.

*Col. William Marsh.*—The first note on p. 15 should refer to page 22.

*Josiah Fish.*—"Joshua Fish," p. 21, should probably be Josiah Fish. See p. 15.

Benjamin Hickok, James Bentle, and Thomas Braten, on pages 15 and 22, should probably be *Benjamin Hitchcock*, *James Bentley*, and *Thomas Brayton.*

*Col. William Williams.*—Joseph Williams, p. 67, line 4, should be *William* Williams.

*Matthew Lyon*, pp. 71–74, 123–128; and *Benjamin Emmons.*—HENRY S. DANA, Esq., of Woodstock, (whose contributions and criticisms the editor has gladly received,) is of opinion that Matthew Lyon was *not* a member of the Council of Safety, for the reasons that in 1798, in his defence before the Committee of Privileges of Congress on the Griswold affair, and in his speech on the subsequent resolution of expulsion, he named sundry of his services and offices in Vermont, and did *not* name membership in the Committee of Safety; and also that, for a period after his retreat from Jericho in 1776, he was "in disgrace." Both of these points are alluded to in the text; and the first one (suggested on page 73,) is strong enough to make one doubt, at least: but after all, the editor has not been able to find a person with so good a claim to the honor as Lyon had. Mr. Dana suggested Hon. BENJAMIN EMMONS in lieu of Lyon, remarking that some of Mr. E's. descendants ranked him as one of the Council of Safety. In a subseqent letter, however, Mr. D. wrote thus: "I think Lyon is excluded by his own witness, but I rather

think you will never be able to prove that Emmons had a much better right to the place—nothing beyond hearsay."

*Members of the Convention that adopted the Constitution*, p. 63.—Mr. DANA has kindly furnished the following list of delegates to the Windsor Convention of July 1777, copied from a memoir of William Gallup, by his son the late Doct. Joseph A. Gallup, dated August 14, 1846. Doct. Gallup was eight years of age in 1777, and must in his youth have heard much of the public men and the transactions of that period:

*Jabez Sargent*, Cavendish, [Chester.]
*Joel Matthews*, Hartland.
*Benjamin Emmons*, Woodstock.
*Stephen Tilden* and Joseph Marsh, Hartford.
John Throop and *John W. Dana*, Pomfret.
*Peter Olcott* and *Jacob Burton*, Norwich.
*Joel Marsh*, Sharon.
*Daniel Gilbert*, Royalton, [Sharon.]
*William Gallup*, Hartland.*

*Roger Enos*, p. 111.—"Gen. Robert Enos" should be *Gen. Roger Enos.*

P. 122.—Joseph Fay was Secretary of the Council of Safety till March 12, 1778, [instead of 1788.]

P. 124, fifth line, for " Goodrich " read *Griswold.*

*Col. Philip Skene*, p. 130, last line.—"Col. Steene" should probably be Col. *Skene.*

*Rescue of Remember Baker*, 1772, pp. 149–50.—Gov. Hall has written to the editor saying :

"I do not quite like what you say about the rescuers of Baker in your notice of John Munro. I do not admit there is a shadow of doubt but that the rescuers were the list given in the *Rural Magazine*, [the first list given on page 150.] Ira Allen in his history (p. 31,) after speaking of the capture of Baker says that an express was sent to Bennington with the tidings, instantly on the news ten men mounted their horses and pursued them, &c. This, with the circumstantial narrative in the *Rural Magazine*, to which there was no contradiction, seems to me conclusive. You say that the list in the *Documentary History of New York*, p. 777, 'is represented as having been furnished by Munro himself.' That does not appear in the *Documentary History.* The letter of Munro, giving an account of the rescue, is dated April 15, 1772, and the list is stated to have been produced in Council the 26th of May, 1772, more than a month after Munro's letter, but *by whom produced* does not appear. The statement in the Vermont *Historical Magazine*, vol. 1, p. 125, is evidently the mere conjecture of Mr. [Rev. F. A.] Wadleigh. It *might* have been furnished by Munro, and *might not*, but a loose memorandum found on the files of the New York Council, from an unknown source, which has but lately seen the light, should not, I think, be allowed the weight of a feather against the authentic statements of Ira Allen and the *Rural Magazine*, both published while there were numerous living actors in the affair."

Gov. Hall referred me to Ethan Allen's account, which, I find, indicates that inhabitants "*on the premises*," i. e. near the scene in Arlington,

* The names in *Italic* are additions to the list of delegates.

went immediately in pursuit. His words, as quoted by Du Puy,[1] were :

"These distressing tidings being soon spread on the premises, enhanced the innocent inhabitants, and for the preservation of Baker his family & their own persons, families and effects, some of them did pursue the said carriage about thirty miles, and when said John with his attendants, being savage like, conscience struck and condemned, run and hid themselves so private that it is not known by his or their acquaintances where they have been ever since ; leaving the said Baker with very little remains of life, unable to fight for himself, who willingly in his capacity accepted of mercy, which he had been so long a stranger to."

Having found it said, in the history of Arlington in the *Vermont Historical Magazine*, vol. 1, p. 125, that the list published in the *Documentary History of New York* was "*in the account communicated by this savage Justice Munro, to the Governor of New York*," I felt bound to take notice of it, and give the statement, together with suggestions for the reader to consider. Ethan Allen's account strengthens this so called "Munro's list" rather than the other. On the whole the theory in Gov. Hall's *Early History*, that *two* parties pursued Munroe, is the best sustained ; and the balance of proof is that the *Bennington* party [the Magazine list] were the actual *rescuers*. The claim for the Bennington party in the *Rural Magazine*, uncontradicted by the Arlington party, I think, with Gov. Hall, is conclusive of this point. Though the Bradleys, Jesse Sawyer and Justice Sherwood, in the Arlington list, were energetic men, they could not have surpassed Clark, the Saffords and the two Messrs. Hopkins of the Bennington list, who, it is quite probable, might have intercepted Munro before the Arlington company came up. The praise of good intention is due equally to each party.

P. 237, 16th line from the bottom, the imperfectly printed date should be August 13.

P. 243.—In the reference, fourth line from the bottom, to Appendix G, the "No. 1" should have been omitted. When that was written, it was expected that the documents on the second Union of New Hampshire towns would be given in this volume as Appendix G, No. 2. These documents will appear in another volume.

*Fight at Shelburne*, p. 245.—The fight was, evidently from the Council and Assembly records, on the 12th of March 1778. The crop of wheat contended for must therefore have been grown in 1777 [instead of 1776,] and Capt. Sawyer must have gone to Shelburne in Jan. 1778 [instead of 1777.] The erroneous years in the text, 1776 and 1777, were gathered from Lyman Thayer's account in the *Vt. Historical Magazine*, vol. 1, p. 859. In Rev. Geo. F. Sutton's account, in the same volume, p. 877, the dates are correct.

P. 262.—The printers have transposed in the text the reference figures to the notes at the bottom of the page.

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[1] *Ethan Allen and the Green Mountain Heroes of* 1776, p. 164.

*Colonel Eleazer and the tory William Patterson*, p. 299.—In the first line instead of "Col. William Patterson" read *Col. Eleazer Patterson.* This bad blunder (originating in an attempt to supply from memory an omission in the copy,) makes the note on William Patterson a libel upon Gov. Clinton, inasmuch as the Governor did *not* commission the tory William as a colonel. Leaving out that statement as to the governor, the note is a good one for the tory *William* Patterson. Col. Eleazer Patterson was for awhile a zealous 'Yorker,' but never a tory. From the fact that Col. Patterson's residence in Vernon is marked on Gen. Whitelaw's map of Vermont, 1821, the editor infers that the colonel was a worthy and highly respected citizen of the state for many years, and probably until his death.—See p. 397.

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